

# MAN AND WILDLIFE IN MISSOURI

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*The History of One State's Treatment  
of Its Natural Resources*

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BY CHARLES CALLISON

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Man and Wildlife  
in Missouri



E. Sydney Stephens, leader of the campaign for the conservation amendment and first chairman of the Conservation Commission, was an ardent wildfowler. It was because both city and rural sportsmen could rally behind such a man that he was chosen as leader.

(Photo by Charles W. Schwartz)

# Man and Wildlife in Missouri

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of Its Natural Resources*

By  
CHARLES CALLISON

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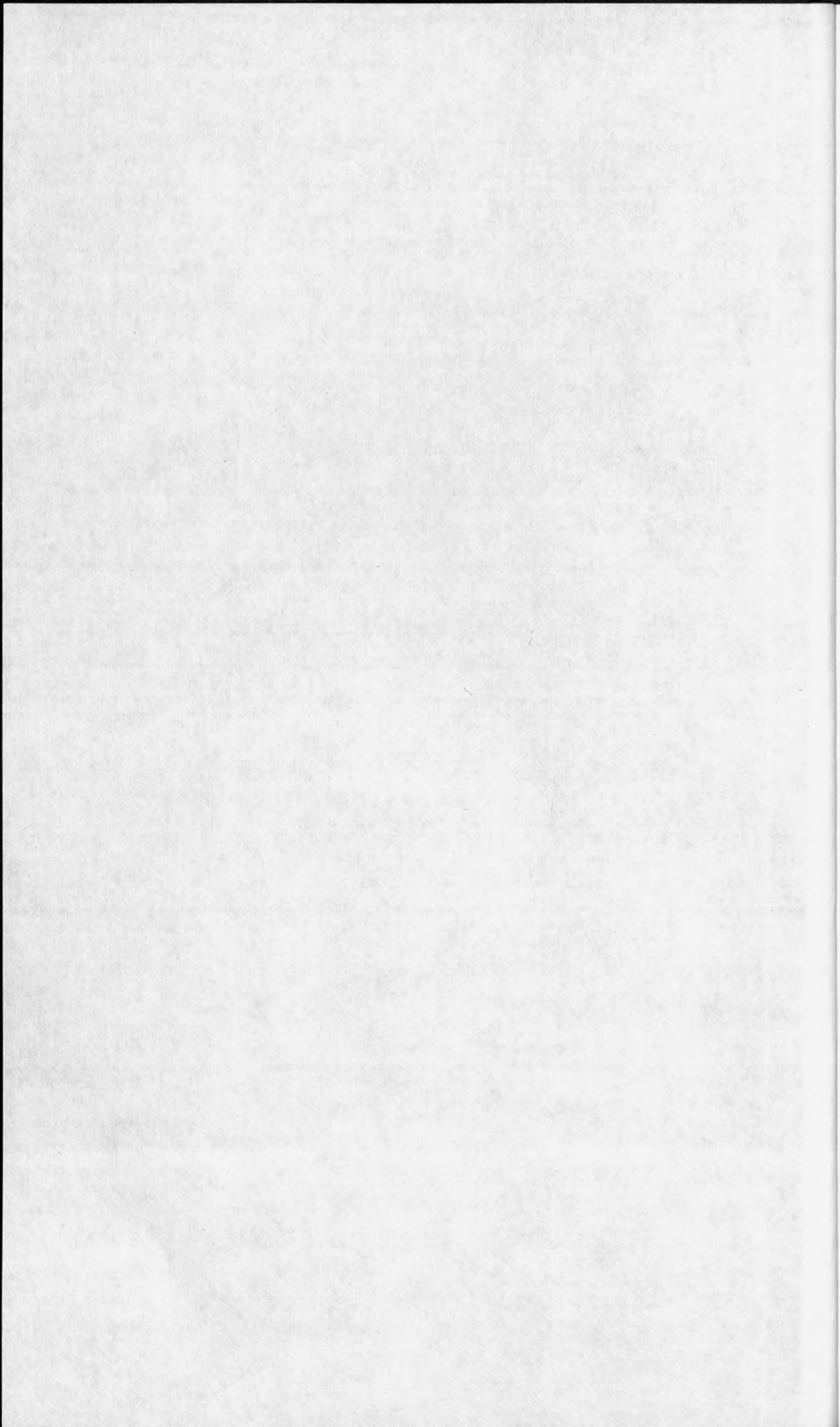
by

MISSOURI DEPARTMENT OF CONSERVATION

Jefferson City, MO 65101

## **DEDICATION**

To the memory of Edward K. Love (1870-1953)  
the great and gentlemanly sportsman of St. Louis  
whose devotion to the out-of-doors and to the re-  
sources which make it beautiful, coupled with his  
generosity, helped mightily to bring about many  
of the events recorded here.



## FOREWORD

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**T**HIS is an account of how the people of Missouri have used, abused, and attempted to restore and manage their wildlife and forest resources. The movement which took the game and fish department out of politics also created a state forestry program. Because the wildlife and forestry programs, administered since 1937 by the same Commission, have been closely coordinated, the forestry phase is detailed here. The fate of wildlife is as firmly tied with agriculture and other uses of the land, of course, as with forestry. All these land-use factors are discussed as they relate to the wildlife story.

In details this story is peculiarly Missourian. What happened here was the product of the social, economic and political history of the state, plus the regard which Missourians inevitably developed toward the diverse and beautiful land in which they lived.

In general pattern, the story is typical of America. The utilitarian regard of the early settler toward wildlife; the later commercialism; the first protective laws with little or no provision for enforcement; the early understaffed, untrained and underpaid warden force, butt of public ridicule; the retreat from commercialism; the politically-dominated department, regarded by the bosses chiefly as a source of jobs for the party faithful; the era of restocking; finally emergence of the new science of wildlife management—these have occurred in nearly all the states, perhaps in all of them. A few states, even today, have hardly advanced beyond where Missouri was when, in 1936, the Showme sportsmen set out to remove the influence of partisanship.

The author believes there are lessons of value to other states in the Missouri experience, which is not to imply that certain states may not be more advanced in certain respects, or in general, than Missouri. Nor does he wish to suggest that another state should, or could, follow in detail the Missouri pattern.

The important lessons to be gleaned are these:

(1) Wildlife management calls for the application, both in short-range practice and long-range policy, of scientific principles.

Such management cannot be achieved by a department limited in personnel by the patronage system.

(2) Wildlife management can be neither scientific nor efficient if shackled by the rigidity of statutory law.

A state legislature, progressively led and aroused by public opinion, may in one burst of reform bring a state's conservation laws spectacularly up-to-date, as the Missouri general assembly did in 1905. Trouble is, they won't stay up-to-date. Legislative bodies meet too infrequently, have too many other public matters to handle, properly to prescribe for a resource as varied and unpredictable, as subject to natural cycles, to land-use and human pressures, to flood and drouth vagaries, as game and fish populations.

In the Missouri Conservation Commission we find the stability of policy and continuity of personnel essential to scientific wildlife management. At the same time we find a flexibility of regulation and administration necessary to meet seasonal changes and crises in wildlife conditions. These things were lacking when politicians filled the jobs and the legislature set the seasons.

## ACKNOWLEDGMENTS

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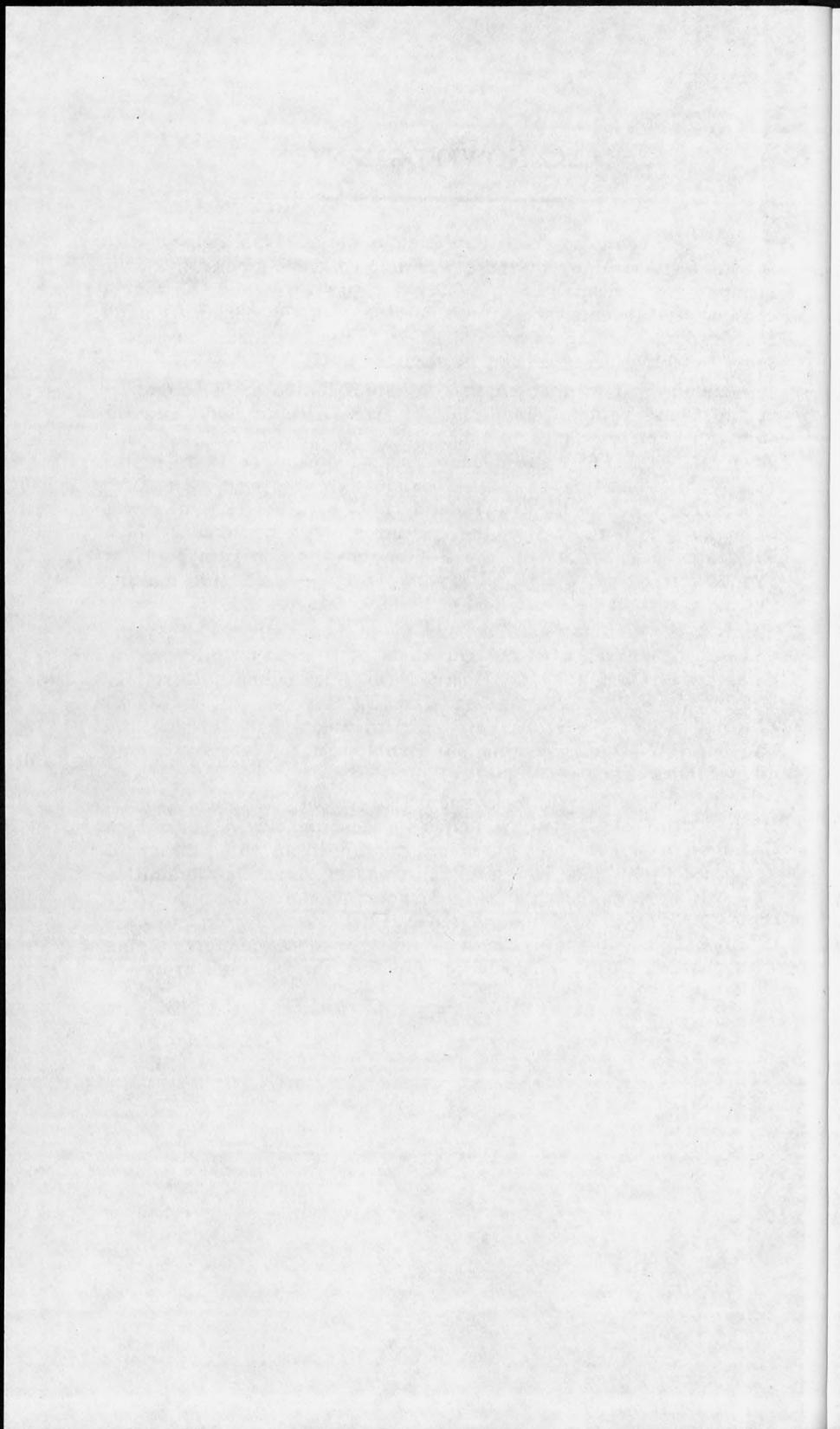
I WISH I could say adequate thanks to all who helped with this history. Many of those who helped were among the civic leaders and officials who in large measure shaped Missouri's conservation events since 1935. Without their encouragement, cooperation, correspondence files and recollections, the story could not have been written in accurate detail.

Particularly, I want to express my appreciation to the members of the Conservation Commission, and to Director Bode and his staff, for their guidance and helpful criticism and for supplying essential records, files and documents; to the Conservation Federation of Missouri, for permitting exhaustive study of its records and correspondence files; to Roland M. Hoerr, in whose files was found the written record of the beginning of the movement which led to the organization of the Federation and the campaign for Proposition No. 4; and to E. Sydney Stephens, Jr., for making available certain personal files of his late father.

For their personal recollections of the epochal 1935-37 years and subsequent events, and for their assistance in interpreting data, I wish to thank Mr. Hoerr, Nash Buckingham, Russell L. Dearmont, William R. Gilbert, Lon S. Haymes, J. R. (Jack) Elliott, Sr., Ted Butler, Willard (Dutch) Dean, Reed Frisbie, the late Dean W. Davis, Virginia M. Dunlap, H. J. Waters, Jr., and many others.

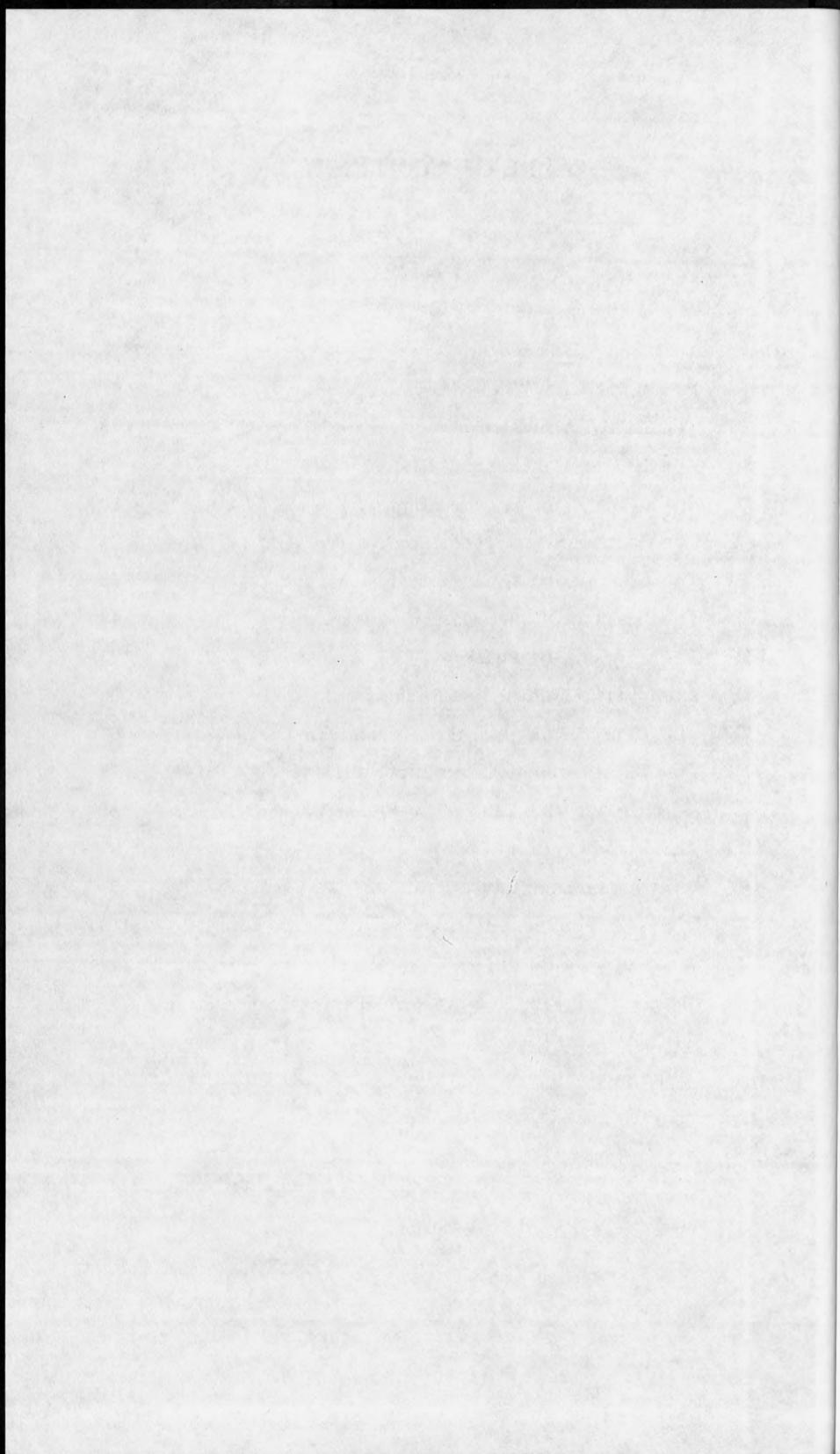
I am indebted to Congressman Morgan M. Moulder, Second (now 11th) District, for assistance in securing old Missouri Fish Commission reports and other information from the Library of Congress; to William R. Nelson, director of research, Committee on Legislative Research of the Missouri General Assembly, for copies of early game bills and other legislative data; and to Carl D. Shoemaker of the National Wildlife Federation for helping with phases of federal legislation affecting the Missouri program.

CHARLES CALLISON



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## Chapter I

### PASSING OF THE WILDERNESS

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BY the time the early settlers had followed the fur traders one thousand miles westward and crossed the Mississippi, the countless herds and flocks of wild game had ceased to amaze them. The wildlife they learned to accept as commonplace and to regard as inexhaustible, the rich bounty of an endless land and a mature ecology that awaited only the harvester. For the quick and the hardy it was a ready source of food, clothing, and exchange in the marketplace. Sometimes it was a treacherous enemy to be subdued as homes were being carved from the wilderness.

In the territory later to become Missouri they found a magnificent variety of land and wildlife. Here the Eastern hardwoods and Southern pine forests blended with the Western grasslands. Cypress swamps reached northward along the Mississippi lowlands and the deep, black soil of the prairies shaded into the rocky, rugged terrain of the Ozarks and the distinctive hills of the riverbreaks.

The turbulent Missouri river raced in, bringing its inevitable load of silt from the mountains and arid plains, to join the more stately flow of the Mississippi. Leisurely prairie tributaries meandered from the north and west, while from the Ozark plateau swift little rivers, youthful in complexion and sparkling from underground sources and forested slopes, flowed in all directions.

Here was the great American edge. Buffalo dwelt as far east as the Mississippi and migrated at times along the open flats of the Ozarks, while antelope scampered across the western prairies. Elk found the mingled forest and prairie to their liking. White-tailed deer were abundant everywhere. The timber wolf and the plains wolf blended their howls and perhaps their blood and, with the panther, preyed on plains species and forest species alike. Where wooded stream courses interlaced the prairies and fingers of grassland extended along the Ozark ridges; the drumming of the ruffed grouse and the booming of the prairie chicken would be heard simultaneously. The wild turkey, king of the game birds and staple food item for the settlers, enriched his summer diet along the prairie edges but retreated to the mast-rich forest in fall and winter.

Raccoon and black bear prowled the forests, and the beaver, whose pelt was the magic lodestone of early exploration, pursued

his works on all the major streams. The otter, diving for fish, shared with the mink the streamside habitat, while muskrats abounded along every river, creek and slough. Grey squirrels sped like wraiths through the treetops and sometimes erupted in mass migrations when reproduction outran their food supply. The cottontail was here, and the bobwhite quail, although not in numbers later attained when the axe and plow opened new vistas of food and cover for farm game.

In this area to be known as Missouri, also, the drainage of the whole mid-continent met in a profusion of streams that mingled their teeming aquatic life. Six-foot sturgeons and giant catfish reigned in the big rivers, while graceful channel catfish and largemouth bass shared the prairie watercourses with buffalofish, suckers and a variety of other species. The pugnacious smallmouth ruled the Ozark streams and fed upon the offspring of his lesser sunfish cousins and upon the minnow millions, while walleyes lurked in the deeper holes.

This was the wildlife world when the settlers arrived and began their transformation of the land. As towns sprang up and printing presses were hauled from the East, local historians were moved to tell the romantic story of how communities were established and counties mapped from the new state. Their references to wildlife were numerous because the fish and the game and the "varmints" were an inescapable part of pioneer life. When Dr. Rudolf Bennett and W. O. Nagel were making the first comprehensive survey of Missouri game and furbearers in 1934-35, they directed a government job-relief project which gleaned all such references from the published histories that existed for 84 of the 114 counties. Without exception the early historians told of wildlife abundance almost incredible today.

Wild turkeys, for example, were "too abundant to be worthy of mention," and in 1840 worth only ten cents, dressed, on the market. Deer, "found everywhere," were even seen "trooping over the prairies in droves of from 12 to 20 and sometimes 50." Three Saline county market hunters killed 246 deer during the fall and winter of 1855. Prairie chickens were "here by the thousands" and recorded as "abundant" even in some Ozark counties. As late as 1874 market hunters were dispatching "a four-horse load (of turkeys and other game) twice a week from Bourbon to St. Louis."\*

Pioneer fishermen, like those of today, boasted more of the size of individual catches than of numbers. Thus we have stories collected by Captain William L. Heckman, retired river pilot of Hermann, Mo., about monster fishes taken from the Missouri

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\* Bennett and Nagel. Survey of Resident Game and Furbearers of Missouri, 1937.

river in the old days. Greatest of these, according to Heckman's records, was a 315-pound blue channel cat landed by a man named Struttman and his son near Morrison in 1870. This fish was said to have been caught on a special hook hammered out by the local blacksmith and baited with a spoiled ham. In 1878 a 242-pound catfish caught by Will New was weighed and witnessed at Hermann, and in 1894 another Hermann fisherman, one Billy Greis, took a drumfish which tipped the scales at 33 pounds. Fish of such size have not been caught in recent years and attest to the productiveness of the streams before deep holes became shallow, the banks barren, the aquatic habitat sickened by soil erosion and pollution.

The westward wave of settlement swept over Missouri during the first half of the 19th century, driving before it or exterminating most of the big game except deer. The last great concentration of elk was wiped out by market-hunting Indians in Holt County in 1841. By 1850, according to Bennett and Nagel, the bison and antelope had retreated westward, the black bear was scarce in the forests, and the scream of the panther was becoming more legendary than commonplace.

It was during the last half of the century that empire-building white man literally changed the face of Missouri, setting into motion the factors that spelled the great decline of wildlife resources. This was a period of rapidly expanding human population, agricultural activity, lumbering, and industrial growth. By 1850 the farmers had moved into virtually every township and a succession of inventions and new tools hastened their conquest of even the tough bluestem sod, which at first had defied their crude plows. Soil erosion had begun, an insidious, creeping thing at first. By the end of the century the last of the great pine stands were falling before the lumbering boom in the Ozarks. Then the hills were laid waste by fire, year after year, and even on the prairies annual burning destroyed the humus that should have sustained the soil vitality. Drainage of the marshes was advancing rapidly and city sewers began pouring their contaminated flow into the once pure streams.

To the public, wildlife remained a commodity or a nuisance, something to eat, to sell or to get rid of. From 1870 to 1900, market hunting reached fantastic proportions. The skilled gunners who shot game for a living helped wipe out the last passenger pigeons, whose great flocks once "darkened the sky." They hastened the decline of the deer, the turkey, the ruffed grouse and the prairie chicken, and added to the nationwide slaughter of waterfowl.

Meanwhile hunting and fishing for recreation had begun. It must have been about 1851 that worried city sportsmen first

butted the stone wall of rural indifference toward the fate of wildlife. That year the legislature enacted Missouri's first game law, but as passed, it applied to St. Louis County only, setting closed seasons for deer, pheasants and quail, woodcock, prairie chickens, grouse and turkey.\*

Two more decades passed, encompassing the Civil War with its turmoil and passions which left little time for thoughts of conservation, before the decline of wildlife became spectacular enough to prompt protective laws applicable to the entire state. An "Act for the Preservation of Game, Animals and Birds" passed in 1874 probably was considered drastic for the times. It (a) set opened and closed seasons for deer, wild turkey, prairie chicken, ruffed grouse, quail, woodcock, mourning dove and meadowlark; (b) prohibited the netting of quail and prairie chicken except on a man's own premises or with consent of the landowner; (c) assigned to constables, market-masters and police officers the task of enforcement, and (d) exempted students of nature, taxidermists, and persons killing birds to protect fruit crops.

This law may be interpreted as a kind of "fair trade practices" act for the market hunters, some of whom no doubt supported it. Its weaknesses are apparent. Dependent on the attitude of elective constables and their constituents, its enforcement was doomed to failure.

Just as the 1874 game law seemed to result from a gathering controversy over market hunting, so also the "Act to Prevent the Destruction of Fish," passed the same year, sought to prohibit the worst of wholesale fishing methods. It banned the use of drugs, fish berries, explosives "or other such means to catch fish in any waters of the state." It also declared the free passage of fish must not be obstructed by nets, dams or other devices, excepting dams built for navigation or power.

The 1874 laws, whatever their intent, did little or nothing to stem the growing tide of market hunting. The next 30 years, as Rudolf Bennett recorded, witnessed the greatest mass killing of game in the state's history. At the same time farming, lumbering and drainage were attaining greater tempos, destroying the habitat that produced the abundance of wildlife. Growing cities offered an active demand for game in the market places. Deeply entrenched, the influence of commercialism can be read into every act of the Legislature affecting wildlife during this period. In 1877 non-resident market gunners were excluded, and two years later all non-residents were prohibited from hunting in Missouri. The local gunners wished to reserve the dwindling supplies for themselves. In appraising the protective laws of these

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\* T. S. Palmer. U. S. Biological Survey Bulletin 41, "Chronology and Index, Events in American Game Protection." 1912.

early years, it must be remembered that enforcement was sporadic at best and generally non-existent. The laws were on the books signifying public intent or legislative gestures in the direction of conservation; in reality there was little or no protection.

In 1878 the Legislature created the office of State Fish Commissioner and appropriated \$1,000 for his use in distributing fishes available for stocking purposes through the federal fish commission. In 1879 the state agency was expanded to a three-man commission which was given an appropriation of \$3,000 and authority to establish a fish hatchery. In the same "Act for the Propagation and Protection of Food Fishes," and again in 1881, the laws relating to dynamiting, fish poisoning and stream barriers were strengthened. Enforcement was made the "duty of all sheriffs, marshals, constables and other state and county officers."

In 1883 the Fish Commission, in its biennial report to Governor Thomas T. Crittenden, complained that the protective laws, through lack of enforcement, were "practically a dead letter." This original Commission, composed of Dr. I. G. W. Steedman of St. Louis, John Reid of Lexington and Dr. J. S. Logan of St. Joseph, recommended to Governor John S. Marmaduke in 1885 that a state "Fish and Game Commission" be established with authority to appoint special game and fish protectors. The commissioners pointed to St. Louis as the "largest game market in the United States," handling the "largest quantity of game of all kinds, especially . . . venison, quails and prairie chickens."

With authority to do nothing about protection except cry the need, the Missouri Fish Commission year after year spent its annual appropriations producing and stocking fish. The enthusiasm of the Commissioners reflected a naive public fascination with the possibilities of pond fish culture, which rode for a time on the humped back of an immigrant called the "German carp." The Commission completed the state's first fish hatchery at St. Joseph in 1881. In 1883 a second hatchery was acquired when the City of St. Louis granted a long-term lease on nine ponds in Forest Park.

The carp was one of several exotics stocked experimentally in Missouri for a period of years, beginning with several released by the U. S. Fish Commission in 1879. The "foreigners" included California salmon, land-locked salmon, speckled trout, California red-sided (rainbow) trout, white shad, and another European fish called tench. Few if any became permanent residents except the carp, which surpassed even the fondest expectations of its advocates.

"There is no longer any doubt of the thorough adaptability of the German carp to our Missouri waters," reported the State Fish

Commission in 1885, at which time it was proudly set down that 155,618 young carp had been released in private ponds and 83,822 others in public waters.

Within ten years, doubts had arisen. Col. John T. Crisp of Independence, a colorful early chairman of the Fish Commission, referred in 1895 to "the repulsive German carp, which, it is feared, may become a nuisance to all game varieties." By this time the two state hatcheries had begun producing black bass and crappie. In 1906 a Fish Commission report noted that state propagation of the "much despised German carp" had been discontinued.

As the 19th century drew to a close, demands by a growing body of conservationists for better wildlife protection fell on deaf ears in session after session of the state legislature. Sportsmen's clubs were being organized in the larger cities and in 1885 "advanced-thinking sportsmen" of St. Louis were given credit for "setting in motion the machinery which resulted in the organization of a national association for the protection of game and fish." This new association, according to the 1887 report of the Missouri Fish Commission, held its first meeting in St. Louis in September of 1885 and its second meeting in Chicago the following June, producing "a set of resolutions on fish and game protection which has already produced most satisfactory results in shaping healthy legislation."

A few northern states had created a licensing system and were enforcing game and fish laws with a paid warden staff, but not Missouri. Here the forces of commercialism still spoke with a tongue better understood by the legislators. An 1895 law created the office of Game and Fish Warden, but year after year this official was left virtually without funds and with no assistance. In 1901 the Legislature passed a law making it illegal to export wild game, but again provided no effective means of enforcement. Two years later, in a reactionary mood, the lawmakers completely abolished the office of Game and Fish Warden. In 1904, when a World's Fair was held in St. Louis, new records were set by the game dealers. The Bureau of Labor Statistics report for that year recorded the sale of 3,999,516 pounds of game sold in the Show-me state. Such statistics were almost certainly incomplete.

By this time the passenger pigeon was gone; last one seen in Missouri was at New Haven in Franklin County in 1902. The wild turkey and the prairie chicken had been driven back virtually to their present range, and ruffed grouse were gone or exceedingly scarce except in the Ozarks. The more valuable fur-bearers, such as otter and beaver, were on the way out.

"The law relating to the killing of game only in certain specified

seasons was almost entirely ignored," an observer of the times wrote. "It was no uncommon thing for large bags of prairie chickens to be brought home in August and often as early as July, while quails were habitually killed from August until March, without fear, restraint, let or hindrance. Wild turkeys were killed from the time they were large enough to fly to roost, while the pheasant (ruffed grouse), that never knew protection, was so persistently killed until he has practically become an extinct bird."\*

It is interesting to note the ideological arguments summoned in defense of commercialism. Laws prohibiting or restricting the sale of wild game were attacked as discriminatory, favoring the wealthy (who could afford to go hunting). Legislative defenders of the game trade painted sorrowful word pictures of the city masses who would be deprived of the privilege of "tasting" wild game.

For whatever reasons the legislature acted in 1903, repeal of the game warden law, plus the World's Fair market for game in 1904, set off a general public outcry and a pitched battle that raged bitterly through four legislative assemblies, resulting finally in defeat of the legal game trade.

\* J. H. Rodes, State Game and Fish Warden, 1906.

## Chapter II

### THE BATTLE AGAINST COMMERCIALISM

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**I**N one legislative swoop the 43rd General Assembly put Missouri's fish and game protection on a legal par with any other state. The 1905 Act was sponsored by Representative Harry R. Walmsley of Kansas City and thereafter bore his name. It was considered so progressive for the times that J. H. Rodes, the first state game and fish warden appointed under its provisions, delivered a paper on the Missouri law at the 1906 convention of the National Game Wardens and Fish Commissioners Association.

The new law authorized the sale of hunting and fishing licenses to the public and provided a "game protection fund" of \$50,000 to pay the salaries and expenses of a staff of wardens. It established open and closed seasons for most of the game species and furbearers now so protected and included provisions for protection of non-game birds. Perhaps most important of all, it contained strict provisions eliminating the sale and commercial transportation of game, in effect calling a legal halt to the lucrative game trade. Further, it gave statutory recognition for the first time in Missouri to the common law principle, inherited from the English, that wildlife belongs to the state.

The Walmsley law had little time to prove itself before commercial and reactionary interests opened fire. In fact, the new regime was only 14 months old when the Missouri Country Produce Dealers League, from headquarters in St. Louis, declared open war on the law, urging "hotel proprietors, commission merchants, taxidermists, sportsmen or consumers" to work for its defeat, and to take an active hand in the 1906 election of legislators. Secretary and apparent leader of the organized game dealers was Fred Heger of St. Louis who, according to the second annual report of Warden Rodes, was the first man to be convicted under the Walmsley law for the illegal sale of game. Heger took his case to the Supreme Court, which upheld the law.

#### Walmsley Law Scrapped, Restored

The 44th General Assembly had scarcely convened than it became apparent the forces of commercialism were in control. A fish and game committee hostile to the Walmsley law was appointed in the House. The Senate, in executive session, promptly adopted a resolution calling for investigation of alleged irregularities and misconduct on the part of Warden Rodes and demand-

ing his ouster. A special Senate committee ultimately exonerated Rodes of any wrong-doing, but concluded that "the criticism of the Warden in the State is due to the unpopularity of the law." The spurious investigation no doubt served its purpose, which was not so much to smear Rodes as to influence public opinion and the legislature against the Walmsley law.

The hostile House committee considered a number of bills and reported a single substitute proposing complete emasculation of the Walmsley Act. The Senate at first frowned on the House bill, amending it to strike out the worst features. In conference committee, however, the House version was restored. With the game dealers' lobby very much in evidence, both House and Senate shouted the new law through in the closing hours of the session.

The 1907 revision scrapped the staff of deputy wardens and slashed the game fund to a mere \$8,000. Sale of game and fish was openly legalized, as well as shipments of game from other states. The state warden was retained but as a sinecure, virtually without authority or duties. In place of state enforcement, the legislature substituted a weird plan calling for annual grand jury sessions in each county to investigate violations. Sheriffs were made ex-officio county game wardens, but the legislature made certain that even a conservation-minded sheriff could accomplish little. He was given no power to arrest violators caught in the act, but authorized only to make complaint and start proceedings through the grand jury system.

Hunting permits were to be issued by the county clerks on a county basis, the receipts going into the road fund. Instead of the \$1 statewide license of the Walmsley Act, the 1907 law provided for \$1 permit good in one's home county and adjoining counties, and separate \$2.50 permits for every other county in which the hunter pursued his sport. The joker, of course, was that few permits were sold, except to the most conscientious sportsmen and to individuals wishing voluntarily to contribute to the road fund.

Effect of the preposterous 1907 law was to throw the state wide open to market hunting and fishing and to illegal methods of all kinds. "The whole act was soon totally disregarded and ridiculed as a legislative joke," wrote Game and Fish Commissioner Jesse A. Tolerton in 1910. "The choicest varieties of Missouri game and fish were gathered in and out of season by pot hunters, seiners, dynamiters, netters and plug uglies, who came out of their hiding places in other states to grab a rich harvest produced by the two previous years of strict protection. Both fish and game were gathered by wholesale and shipped to cold storage warehouses in eastern cities to be retailed to epicures at fancy prices."

Public revulsion at the 1907 farce was inevitable. The 1909 Legislature restored most of the best features of the Walmsley law and added some improvements of its own, including clarification of an ambiguous licensing provision. License revenues were channeled into the game protection fund. The \$1 license good in county of residence and adjoining counties was retained, but a statewide license of \$2.50 was instituted. The non-resident fee was increased from \$15 to \$25.

### The Battle of 1911

Chagrined if not chastened, the commercial interests came back fighting. The 1909 Act changed the title of the state warden to "State Game and Fish Commissioner." Commissioner Jesse A. Tolerton, appointed by Governor Herbert S. Hadley in 1909, was soon to feel the wrath of the dealers' lobby. Early in January, 1911, the persistent Fred Heger of St. Louis sent a message through a deputy warden serving notice that unless Tolerton recommended amendment permitting commission dealers to buy, sell and ship game, the Game Dealers' League and allies would launch an all-out campaign for repeal. Tolerton, a native of Taney County, brought with him an Ozarkian's love of a good fight. He curtly rebuffed the warning, inviting the game dealers to do their worst.

One week after Heger's warning, Senator Carter M. Buford of Eminence introduced a bill to repeal every section of the 1909 law. About the same time, Buford in the Senate, and Frank H. Farris in the House, introduced a joint resolution calling for an investigation of the Game and Fish Department. Tolerton was accused of misuse of funds and other irregularities, and of using his office to build up a political machine. Farris, a former state senator, had served as an attorney for Heger in the latter's unsuccessful court fight against the game-sale prohibition of the 1905 law.

Subsequently a joint Senate-House committee spent several weeks probing Tolerton's administration and the conduct of his deputies while Buford's repeal bill and other crippling amendments were fought out in the legislature and finally defeated. The investigation of Tolerton, like the similar investigation of Rodes in 1907, failed to turn up anything incriminatory. The similarity of strategy indicated that the 1911 attack was master-minded by the same crew that directed the successful emasculation of the Walmsley law in 1907.

Although the game law managed to squeak through the 1911 session unscathed, the department itself didn't fare so well. The legislature clipped the appropriation from \$150,000 to \$90,000 and diverted \$45,000 from the game fund to other purposes. It also attached a rider to the appropriation bill stipulating that

"none of the money shall be available so long as the present State Game and Fish Commissioner shall remain in office." When the state auditor refused to pay the commissioner's salary on the basis of this rider, Tolerton, with the backing of Governor Hadley, promptly took his case to the Supreme Court. The Court ruled that the legislature, in attempting by this device to force Tolerton out of office, had exceeded its constitutional powers.

To an outside observer of the times, unaware of the machinations of the game dealers' lobby, the 1911 battle revolving about the Game and Fish Department doubtless appeared to be an outright partisan fight. Not only was the legislature Democratic, but Tolerton was prominently active in Republican party affairs. The political sparring continued, even after his status had been upheld by the Supreme Court, when the State Printing Commission, Democratically controlled, refused to honor the requisition for his second annual report on grounds that pictures of Tolerton and Governor Hadley "afloat on White River" were not "necessary information" as required by law. Tolerton secured money from private sources to pay for publication of his report.

It is clear that the game dealers' lobby played cleverly upon the partisan tendency, common to all political parties, to discredit if possible the administrative achievements of the opposition. Such tactics resulted finally in a popular conception of the Game and Fish Department as a "political football," and ultimately in a conviction on the part of Missouri voters that wildlife conservation must be removed from legislative control.

During this period of pitched battles over commercialism, the city sportsman was much maligned. He was frequently denounced and ridiculed as a selfish, arrogant and foolish figure, seeking "discriminatory laws," hunting in outlandish garb and fishing with silly tackle. So pronounced was the anti-sportsman propaganda that the State Fish Commission felt it wise to make its own position clear. Undoubtedly it had a certain bloc of rural legislators in mind when, in its 1909-10 report, the Commission wrote:

"A general opinion seems to prevail that the State Fish Commission is created for the purpose of stocking streams and lakes for the sportsmen's convenience and benefit. This is positively in error, for the reason that the State Fish Commission has devoted its attention and direction towards producing a cheap and nutritious food for the benefit of all people, and more than 75 per cent of the fish produced have been distributed in various waters which but few sportsmen visit."

#### Birth of State Parks and Game Farms

The 1909 Act remained the basis of Missouri's fish and game laws until 1936, although almost every session of the legislature

produced some minor revisions. The 1917 session was author of an act that was to grow into an issue of sportsman protest: A law required 5 per cent of the license revenues to be spent for purchase and maintenance of state parks. In 1925 the Legislature increased the park share to 25 per cent.

With money thus provided, most of the areas now included in the State Park system were acquired during the 1920's. With a few exceptions, most of the parks remained relatively undeveloped until public-works grants and the Civilian Conservation Corps made funds and man-power available for roads, buildings and other construction during the first Franklin D. Roosevelt administration (1933-37).

The Fish Commission was abolished as a separate agency in 1919 and the hatcheries placed under a separate division of the State Game and Fish Department. This was a step in the direction of economy and efficiency.

When closed seasons and bag limits failed to check the steady decline of game populations, Missouri followed the lead of other states in taking the next obvious step. A state game farm was established at Jefferson City in 1910. Early restocking programs were entered enthusiastically as a panacea, with little or no thought of habitat restoration.

The ring-necked pheasant was being boomed as the bird to replace the disappearing ruffed grouse and prairie chicken. At first the new game farm was devoted largely to pheasants. From 1910 through 1913, approximately 7,000 pheasants and a smaller number of Hungarian partridges were distributed.

Following the first World War, new game farms were added, some state-owned, some privately operated under contract or lease by the State. In 1925 the Game and Fish Department also entered the turkey business; 350 of the big birds were reared from eggs imported from North Dakota and Florida.

The decade from 1925 to 1935 witnessed the most ambitious restocking efforts in Missouri game history. More than 11,000 turkeys—practically all of them tainted by domestic blood—had been released by 1934. Quail were pen-reared in increasing numbers, and in 1927 the Department embarked on the second large-scale—and futile—attempt to establish pheasants. From 1927 through 1933, according to official reports of the Department, 11,020 pheasants and 114,868 pheasant eggs were distributed—going to practically every county in the state. The eggs were given largely to farmers and farm boys for incubation under domestic fowl. Importations of deer from Wisconsin and other northern states began in 1926 and continued, until by 1935, a total of 271 northern whitetails had been released in Missouri.

## Chapter III

### THE ERA OF POLITICS AND RESTOCKING

THE Walmsley law, as passed in 1905 and re-enacted four years later, brought Missouri spectacularly up to date in comparison with other states and according to the best knowledge of the times. Unfortunately the law did not stay up to date. Human population, agriculture and industry continued their dizzy expansion, changing land and wildlife conditions steadily, sometimes rapidly. Despite the game laws, enforced with varying degrees of efficiency, and despite restocking, wildlife populations continued to slide downhill.

When legal hunting of ruffed grouse was stopped in 1905, the legislators proposed a 5-year closed season to let the birds recover. They never did. Before 1910 hope was abandoned for an open season. The "woods pheasant" has not been legally hunted in Missouri since.

Prairie chicken passed out of the picture as legal game in 1907. Wild turkey declined steadily until in 1935, with a one-month hunting season still in effect, Bennett and Nagel estimated the entire state population at fewer than 4,000 birds. Deer dwindled to some 2,500 animals by 1935; beaver and otter were virtually gone and several other species, among them raccoon, muskrat and wild turkey, showed alarming decrease.

Cottontails were perhaps holding their own, but even bobwhite quail began to show downward trends in the "roaring twenties."

Although fisheries figures comparable to the Bennett-Nagel game estimates are lacking for the period, angling success also underwent a gradual decline. The silting, filling and pollution of the streams was apparent to the human eye. Effect of these changes on fish life seemed obvious, and was testified to by the occasional written record of sportsmen anglers.

Missouri had been settled, torn by civil war and undergone its initial great expansion as an agricultural state when, in 1888, a group of railroad builders established a fishing and shooting club on a bluff overlooking the Current River in Carter County. Through four decades members and guests signed their names in a journal ledger and recorded the results of their fishing trips. This unique record, now on file with the Missouri Historical Society at Columbia, yields rare glimpses of Ozark fishing a half-century ago. The faded entries also show the decline of one of America's most famous fishing streams.

"Left train at Birch Tree Tuesday p.m. August 22nd and entered Current River at mouth of Jack's Fork the morning of 24th," wrote the scribe of a float-trip party of six in 1899. "Floated to clubhouse arriving Sunday evening the 27th. Fishing excellent and ideal weather all the way." After the names of the six anglers, all from Kansas City, individual catches were noted as follows: H. L. Alden, 40; J. E. McFadden, 50; Jno. C. Horton, 51; W. W. Atkin, 18; Earle S. S. Smith, 32; Edgar M. Smith, 24; total 205 fish.

In 1892 four charter members of the Carter County club and seven companions recorded a catch of 452 fish in 2½ days with the comment, "Best on record!" This was an average of 16½ fish per man-day. On Sept. 19, 1896, Col. H. W. Diggins, one of the founders of the club, and a companion caught 21 bass, the smallest weighing 2¾ pounds.

Tabulated by decades\*, the Carter County club records tell the following story:

Years	Number of Entries	Total Man Days	Total Catch	Average Catch per Man-Day
1889-1890	5	11	157	14.2
1891-1900	56	343	4,664	13.5
1901-1910	73	928	6,818	7.3
1911-1920	48	713	6,388	8.8
1921-1930	38	473	2,820	5.9
1931-1940	8	73	170	2.3

In the 1930's the number of entries in which catches were recorded dwindled rapidly, only two appearing after 1935, although the club is still active and its members still fish the Current River. A logical conclusion is that the custom of jotting down creel records was discontinued because the anglers seldom had successful trips to write about.

What happened around the turn of the century to cause fishing success on the Current River to decline so abruptly? All the factors may never be appraised in proper proportion, but certainly the figures lend credence to the theory that removal of the forests with which nature protected the watershed was the major cause of depletion. The virgin pine was stripped from the Carter and Shannon county hills during the years from 1890 to 1905. The largest sawmill in the United States was turning out 285,000 board feet daily at Grandin, Mo. And removal of the timber, which was cut clean as if by a gigantic scythe, was followed by further abuse of the land. The hills were burned annually in a futile attempt to turn them into farmlands. Overgrazing and the plow

\* Callison in MISSOURI CONSERVATIONIST, August, 1946.

helped bare the land to erosion. Millions of tons of Ozark top soil, and later the underlying gravel, swept down the hillsides into the streams, filling the deep holes and laying a deadly blanket over fish spawn, fish food and fish habitat.

New factors of depletion, brought about by war and technological advance, entered the picture soon after the 1909 Legislature rescued the Walmsley law. The new-fangled "horseless carriage" was rattling and banging its way into popular consciousness. During the next twenty years travel was revolutionized; highways penetrated every nook and cranny of the country. Hunters and fishermen fled farther and farther from the cities in search of virgin fields, only to discover there were no untrampled areas left. If the ubiquitous model T and model A on every Missouri by-pass were not an important factor of wildlife depletion—so they seemed to worried sportsmen. No doubt the growing public familiarity with conditions throughout the state contributed to a state of mind which, a few years later, made possible the state-wide organization of hunters and fishermen.

World War I brought a rapid expansion of cash-grain farming. High prices encouraged new clearing, new drainage and new techniques of utilizing every available strip of land. "Clean farming" became the order of the day, encouraged by government experts who were long on mechanical efficiency, short on understanding of the soil. Woven wire, clean and straight, replaced the old meandering rail fence with its luxuriant overgrowth of vines and briars. Farmers were advised to clear woody draws and fence rows and burn surplus vegetation as a means of controlling crop pests—futile and even destructive practices because pests increased as soil fertility declined.

It was clean farming, no doubt, that turned the bobwhite quail trend downward about the time of World War I or soon thereafter. The public, however, not understanding the loss of habitat, laid the blame on overshooting. The popular remedy was more quail hatcheries and restocking.

As the years passed, it became obvious to more and more discerning persons that something beyond protection and artificial restocking would be necessary to restore wildlife. Here and there a college biologist with an interest in wildlife, or an articulate lay conservationist, began to chafe at the ineffectiveness of such measures. In 1908 an angler who did not sign his name penned the following indictment in the Carter County Fishing and Shooting Club journal:

"The Fish Commission is a farce. Of the hundreds of thousands of young fish emptied out of a can into the river in an addled condition, not one in five hundred ever reaches spawning age.

As well turn so many young tame chickens among a flock of hungry wild hawks."

Two years later this same unhappy but observant angler, identified by his precise handwriting, came close to naming the factor now recognized as the major cause of fishing decline in most of our streams—misuse of the land in the watershed. He wrote in 1910:

"Bass went on the nests about May 10, will be off by June 1. Nearly all the old big spawning beds between Round Spring and Junction have been abandoned by the fish and the bluff holes have been bombed (by dynamite). . . . Fishing water not so good. Turtles and gars have multiplied amazingly because of mud bottoms from soil washed in from plowed lands."

Then came the drouth years of the 1930's, beginning in 1933 and continuing through 1936, to climax the long years of exploitation and neglect. Once abundant quail populations were cut down to scattered remnants. Famous Ozark bass streams were reduced to mere trickles. In the parched Ozark woodlands, fires raged across the weary hills all year long. Indeed, the withering dry years, bringing the ominous dust clouds from Kansas and Oklahoma and threatening most forms of wildlife, aroused public interest in conservation as nothing else had been able to arouse it.

Missouri's ineffectual Game and Fish Department couldn't be blamed for the weather, but it was totally unequipped to come to grips with the situation. Staffed entirely with employees whose only qualification for appointment was that they voted right and secured the endorsement of the proper party leaders, the department could supply neither plan nor leadership for restoration. A complete turnover of personnel was expected every four years when the incoming governor filled the jobs with his own patronage. Further, the department lacked the legal power to close seasons or reduce bag limits to meet crises in game populations, and seldom possessed sufficient political or suasive power to induce the legislature to make needed changes. Biennially it watched helplessly as the state solons diverted large chunks of the sportsman's license dollar to state parks and other purposes.

This was the Pendergast era in Missouri. If one knew the right people in the political organization, he could consider himself immune to arrest for illegal hunting or fishing. The political "fix" was a nightmare ever present to haunt the conscientious members of the warden staff. Moreover, the wardens were required to spend much of their time during election years tacking up campaign posters, attending party rallies and running similar errands for the party organization to which they owed their jobs.

Nor could the State legislature come to grips with the situation.

Every proposal to make a basic change in the Game and Fish department degenerated into political and sectional bickering in committee and on the floor over such near irrelevant controversies as whether the fox should be protected or exterminated, and whether or not fish "gigging" should be outlawed.

The scattered, disassociated sportsmen's club made pilgrimages to Jefferson City session after session, trying to win serious consideration of proposals to take the Game and Fish department out of politics, and to improve the efficiency of the wardens. They made one final attempt in 1935 before deciding to take matters into their own hands and carry the issue directly to the people.

Sportsmen's groups in Springfield and St. Louis succeeded in getting a bill introduced which would have established a five-man "Game and Fish Commission" and set up a staff of "conservation officers" freed of political duties. The proposed Commission would have had authority to set seasons and bag limits, but not license fees, and to carry on research and other activities recognized as necessary in modern wildlife management. This bill, introduced by Representatives O. K. Armstrong and Dorsey A. Williams, both of Greene County, would not have removed the department completely from politics, since the five-man Commission would have been dominated by three members of the Governor's party, and would have been subject to tampering by every succeeding legislative assembly. It would have corrected many of the evils, however, and constituted a tremendous step forward for the Missouri conservation program. The Armstrong-Williams bill failed to pass.

The 1935 Legislature did enact one game law. As introduced by Representative Roy Hamlin of Marion County, House Bill 216 was a hodge-podge of contradictory provisions, all probably included with the best of intentions but adding up to a completely unworkable system. A single commissioner would have been appointed for a 4-year term by the governor, and would have shared with the Legislature the power to make regulations. One can imagine how that would have worked! The sponsors of this bill did recognize the need for a state forestry program and proposed a forestry division with broad authority under the Commissioner. The bill also provided a system of county appeal by petition from the Commissioner's rulings and, in effect, local option on open and closed seasons for all kinds of game and fish. One section set up an annual fund to pay bounties of "fifty cents each" for "hawk heads, eagle heads and horn owl heads."

As finally passed, House Bill 216 did nothing more than change the name of the Game and Fish Department to the "Department of Conservation," increase the salary of the commissioner to \$4500

and create a "Director of Forestry" with no new authority. Governor Guy B. Park vetoed the bill on the ground that its original purpose had been destroyed by amendment and that it amounted to no more than a salary increase.

Under date of May 9, 1935, Roland M. Hoerr of St. Louis addressed a letter to Nash Buckingham of Memphis, Tennessee, about plans to organize a "Federation of Missouri Sportsmen" for the purpose of forcing action on the critical game and fish situation.

"We are not at liberty to have this made public," Hoerr wrote, "as Tom Dysart, president of the (St. Louis) Chamber of Commerce, who has spent considerable time and effort in getting a new game commissioner bill through both houses of the Missouri legislature, asked that we refrain from making any announcements concerning our plans until after the Legislature has adjourned, either passing or dropping his bill."

In a democracy, a government agency or program may, through the non-progressiveness of its leaders or because of a rigid legal framework, fall only so far behind public opinion. Eventually the people, by one means or another, will insist on progress. The agency will be brought sharply up to date. The three decades following 1905 had brought vast, even revolutionary, social and economic developments and tremendous land-use changes. But the Missouri game and fish program had remained static, hemmed by outmoded laws and mired in patronage politics.

Sportsman concern over the dwindling supplies of game and fish had reached proportions of downright alarm. Other important segments of the public, outside the ranks of hunters and fishermen, were urging better management of forest and wildlife resources. Resentment at the politicians who controlled the Game Department and stifled every legislative attempt at reform was mounting to fever pitch.

Early in 1935 this growing resentment was a vague rumbling, like distant thunder, which the politicians could not hear or chose to ignore. When the 1935 Legislature, like the mountain, labored and brought forth a mouse, it set in motion a chain of events which was to culminate in a sweeping change, voted by the people themselves.

## Chapter IV

### SPADE WORK FOR A FEDERATION

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April 25, 1935

Mr. Nash Buckingham  
Box 720  
Memphis, Tennessee

Dear Mr. Buckingham:

Several weeks ago when you were here I mentioned to you, the day we had lunch at the Mayfair with Lou Dozier and Joe Pulitzer, that I would appreciate having the information as to how the sportsmen of Tennessee organized the State in order to put through the Commission bill; also the name of the director of this movement; with an idea of possibly having him give some time to Missouri. Our fish and game columns in the newspapers carry numerous expressions from sportsmen who feel the same as all the rest of us, that we must take fish and game out of politics. If we can centralize this feeling in a Federation of Sportsmen, I feel we could surely accomplish something.

At your convenience I will appreciate anything you can give me on the above.

With kindest personal regards, I am

Yours very truly,

/s/ ROLAND M. HOERR

THE above letter was written by a big-shouldered St. Louis industrialist-sportsman possessing an unusual personal stock of determination. He was at the time serving as president of the Missouri Duck Hunters' Association. Nash Buckingham was a Tennessee conservation leader, dog breeder and sportsman who was gaining national fame as the author of such droll hunting stories as "De Shootinest Gent'man." In his reply to Hoerr, he related how after repeated rebuffs by the Tennessee legislature, he and Matt Thomas of Knoxville decided to organize a statewide federation which won approval of a game commission law in 1935.

"The important thing," Buckingham wrote, "is your statewide basic committee to get funds. The bill itself must be right. The man you select for executive secretary is all important. I am not employed right now, and if you gentlemen want to get this business under way . . . I could start you off as to organization. But

your eventual executive secretary should, I believe, be a Missourian, or else a skilled operative, and very ambitious."

Thus, with a couple of letters following some casual discussion, began a movement which was to revolutionize wildlife administration in Missouri and give the state its first real forestry program.

Hoerr and associates moved fast. Within a week the executive committee of the Duck Hunters Association had voted unanimously to sponsor a "Federation of Missouri Sportsmen" whose objective would be to put through a "bi-partisan Game Commission bill at the next Legislature." Meanwhile Hoerr had written to Buckingham for additional details, including the Tennessee method of raising campaign funds, and asking the Memphis sportsman to name his price for "helping us get organized." He also wanted to know "why a Commission of 5 was selected in Tennessee, as that allows a certain amount of politics to creep in, I am told." Buckingham's reply, dated May 3, 1935, follows:

Dear Mr. Hoerr:

Thanks for your letter. My services to you could be only in an advisory capacity as, frankly, I am sorta waiting around and want to be footloose on another matter. It shouldn't take more than a month to whip matters into shape, and I'd work for \$500 flat; if it took a bit longer, why chunk that in. The travel expense would run that up, but not a great deal. A few key men, well chosen, and the pipe properly laid, are all important.

We raised our funds by getting a good man in each of our major cities, Knoxville, Chattanooga, Nashville, Jackson and Memphis, to sell life memberships at \$50 apiece. Starting with that, we got chapters going and some funds coming in from the sale of \$1 memberships. We first held a mass meeting . . . of our key city men; each took a quota and went to it.

We started with three, went to seven, and agreed on a five-man Commission, one from each grand division—east, central and West Tennessee—and two at large. We got our bill, but we're not out of politics yet, as we have a strictly political governor and a worse present game warden with whom he's in cahoots. But we'll get there eventually.

With kind regards,

/s/ NASH BUCKINGHAM

It was in another letter to Buckingham, following the executive meeting, that Hoerr revealed that plans were being held in abeyance until the State legislature was given a chance to pass on game bills then before it.

Frank Wielandy, who had served briefly as State game and fish

commissioner in 1924-25, was president of the St. Louis chapter of the Izaak Walton League of America. He agreed to assist in formation of a new federation. A scheduled meeting of the League chapter May 24 was turned into a joint assembly with the duck hunters. With some 200 in attendance at the Eugene Field school in St. Louis, including representatives of several other sportsmen's groups, a temporary organization was formed with Wielandy as chairman and A. D. Luehrmann, lumber business executive, as secretary.

"We propose," declared Wielandy in a statement to the St. Louis Star-Times, "to have a statewide membership of 200,000. We shall use this great membership for the purpose of taking Missouri fish and game out of politics and to pass a model bi-partisan game and fish commission bill at the meeting of the Legislature in 1937. If we fail in that, we shall submit the proposition to the people of the state by invoking the initiative and referendum. We may even do that without waiting for the legislature. Action really depends on what is adopted at a statewide general meeting of anglers and hunters, to be held in some central point in the state this summer."

The Star-Times reported that at the initial meeting, "half a dozen sportsmen gave \$100 for sustaining memberships and one gave \$150."

Although invited, Nash Buckingham was unable to attend the May 24 meeting. He did arrive in St. Louis to address a second meeting of the leaders held June 6 at the Mayfair hotel.

Buckingham was hired to sound out leaders in other Missouri cities. On June 10, 1935, he left for a four-day bus and train tour which took him to Springfield, Joplin and Carthage, where active sportsmen's associations were in existence. At Springfield he contacted Dr. Charles B. Holt and Herman Lohmeyer but missed W. H. ("Ted") Butler, secretary and spark-plug of the local organization. Butler, a life insurance salesman, was out of town that day.

At Springfield, Buckingham reported, the organized sportsmen were ready for action and assured him they would participate in a statewide federation. "At Joplin," he wrote, "I met with Messrs. Holden, Barratt and McGehee, leaders of Izaak Walton activities. . . . These men are willing, for sport's sake, to go ahead with local projects but are simply waiting for some sort of tangible leadership to bolster their courage for a renewed fight against politics.

"At Carthage I hunted up Mr. Robert Redmond (president of the local Sportsman's Protective League), an experienced conservationist, who gave me the clearest picture of the proposition I have seen yet. . . . He promised every cooperation. Mr. Redmond

impressed me most favorably as a conservationist without illusions, capable of clear, disinterested thinking. I believe you can count on Springfield, Joplin, and Carthage as now ready to have representatives at your first organizational meeting."

Kansas City was considered, logically, the necessary other end of the new Federation axis. A new Izaak Walton League chapter dominated the sportsman scene there. Before visiting the western border city, Buckingham went to Chicago to win endorsement of the proposed new Federation from the League's national headquarters. S. B. Locke, the League's conservation director, agreed to accompany Buckingham to Kansas City. Leaders contacted there included J. R. ("Jack") Elliott, president of the Elliott Arms Company; Russell Elliott, A. Z. Patterson, and others. Again, assurances of cooperation were won.

On subsequent trips Buckingham visited Excelsior Springs, Sedalia, Columbia, where he talked to a man named E. Sydney Stephens, Jefferson City, Hannibal, and other central and northern Missouri cities.

Following the Buckingham survey, concluded about July 5, the St. Louis leaders began winnowing a host of suggestions and plans for raising money and directing the legislative campaign which they envisioned. At one time active negotiations were entered with a national public relations concern, which proposed to handle the statewide campaign for \$47,000.

Meanwhile circular letters were dispatched to all known sportsmen's groups and individual conservation leaders throughout the state, urging participation, inviting contributions, and announcing tentative plans for a "mass meeting at some central point in Missouri to set up a Federation of Missouri Sportsmen, this Federation to be solely for the purpose of placing our fish and game under a bi-partisan Commission at the next legislature."

It occurred to some clear thinkers in the St. Louis group that the new Federation would stand a better chance of attracting statewide support if it were led by an out-state sportsman. St. Louis and Kansas City, the two big cities, seldom pulled together consistently on any state-wide issue. The Legislature was dominated by the rural representatives. A city-born movement of any kind, they reflected, would naturally be viewed with suspicion in the rural sections. The funds, they reasoned, had to come largely from the cities, but without the rural vote they couldn't hope to win, either in the legislature or at the polls. Finding a capable leader, one behind whom both city and country sportsmen would rally, posed a perplexing problem.

W. Ashley Gray, an officer of the St. Louis Duck Hunters Association, suggested that his brother-in-law, E. Sydney Stephens

of Columbia, might be persuaded to take the job. Stephens at the time was serving as state re-employment director, in charge of work-relief under the Roosevelt administration, to which position he had been appointed to succeed Harry S. Truman when the latter resigned in 1934 to campaign for the United States Senate.

In July or August of 1935, the St. Louis sponsors of the new movement held a conference at the Lake of the Ozarks with a few out-state leaders, including Stephens. Record of the date has been lost, but according to the recollections of Hoerr, Russell Dearmont and others, it was at this conference that Sydney Stephens agreed to accept the presidency if elected at the statewide mass meeting, and the proposal to employ a professional public-relations agency was abandoned.

With assurances of participation from key individuals and groups throughout the state, the initial organizational meeting was scheduled for September 10, 1935, at Columbia.

## Chapter V

### THE CAMPAIGN FOR PROPOSITION NO. 4

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UNTIL the Columbia meeting, the St. Louis leaders had envisioned a statutory program to create a bi-partisan commission and modernize the fish and game laws. They had been undecided whether to tackle the General Assembly in 1937 or proceed at once via the initiative petition, putting their proposed laws on the ballot in 1936.

E. Sydney Stephens, the man slated to be executive of the new federation, strongly favored by-passing the legislature. He also proposed a *constitutional amendment* rather than a statutory proposal.

"If you get a law passed, what have you got?" he argued to the assembled conservationists. "The next legislature could repeal or amend it and the politicians take over. By the same token, if you attempt to introduce a constitutional amendment through the legislature, you won't recognize it when it comes out.

"But if you write the basic authority exactly as you want it, put it on the ballot through the initiative and let the people vote it into the constitution—then you've got something permanent!"

Writing later of the Columbia meeting, Stephens said that to a Sedalia lawyer named J. T. Montgomery "belongs the credit for broadening the vision of those in attendance and for widening the scope of the measure subsequently presented to the people."

"Mr. Montgomery," said Stephens, "made a most enlightening speech, displaying extraordinary layman's knowledge of natural history as well as a sportsman's appreciation of Missouri game resources and their rapid decline. He wisely suggested that any proposed law or amendment should include in its provisions attention not only to game and fish, but to song-birds and other wildlife of a non-game nature, and significantly to forestry."

According to newspaper accounts and the memory of several who were there, about 75 persons attended the Columbia meeting. The names of those present, if recorded at the time, have been lost; however, sportsman's groups from several of the larger towns of the state were represented, in addition to those from St. Louis and Kansas City.

The assembly voted to sponsor a constitutional amendment to set up a non-partisan Commission, and to embrace the broad scope of authority suggested by Montgomery.

The delegates chose to call their new organization the "Restoration and Conservation Federation of Missouri" after Stephens and others pointed out that to call it a "sportsman's federation" might tend to alienate farmers and other groups whose help would be needed.

Finally, they elected Stephens as president; Roland Hoerr of St. Louis, vice-president, and John P. Gass, Springfield, secretary. Stephens was authorized to appoint a board of directors composed of one representative from each of the State's 13 congressional districts.

As events were to prove, Sydney Stephens was a natural for the job. An ardent hunter and bird-dog fancier, although an indifferent pole-and-line fisherman, he spoke the language of the sportsman. His name in itself was an asset; for three generations the Stephens family of Columbia had been active in public affairs without having become identified with partisan politics. The first Federation president was, at the time and until his death in 1948, operator of a book-publishing firm which had been established by his father, Edwin W. Stephens. An older brother, Hugh Stephens of Jefferson City, was already a widely known public figure by virtue of his leadership in organizations sponsoring an improved highway system. Before converting to the book-publishing business, their father had produced a newspaper which won renown as a "model weekly" and once was edited by Walter Williams, founder of Missouri's famous School of Journalism. The elder Stephens also had served as chairman of the Capitol Commission which built the present statehouse in Jefferson City in 1913-17. Grandfather James L. Stephens had been a pioneer merchant in Boone County, prospered, and endowed a struggling Baptist college for girls which today bears his name.

Through participation in affairs of the University of Missouri and various other civic activities, Sydney himself had developed a wide acquaintance among both political and business leaders throughout the state. Gregarious by nature, an inexhaustible story teller, fluent public speaker and effective writer, he fitted quickly into the role of organizer and campaign director. Years later Stephens told the writer that at the time it was not zeal for conservation that motivated him to accept. "I did not," he confessed, "understand the first principles of wildlife management." But the proposition of taking fish and game out of politics—that appealed to him. Through earlier experience as a member of the board of managers for the state school for the deaf at Fulton, and again in his federal appointive job as state work-relief director, he had developed a keen antipathy for abuses of the patronage system.

### Drafting the Amendment

Following the Columbia meeting, Stephens appointed a committee of distinguished lawyers to draft the proposed amendment. They included Fred L. Williams of St. Louis, a former judge of the State Supreme Court; William R. Gilbert, Robert E. Blake and Charles M. Polk, also of St. Louis; Russell L. Dearmont of Cape Girardeau, a former state senator, and Lon S. Haymes of Springfield.

Judge Williams, with the close collaboration of Mr. Gilbert, did the actual drafting of the amendment, although he consulted frequently with the others as various points were developed and refined to constitutional language. William F. Fahey of St. Louis, Sedalia's Montgomery and possibly others also participated in the conferences.

Keeping in mind the distinction between constitutional and statutory law, the attorneys kept the amendment brief and general in form. They had two primary objectives: First, to divorce the fish and game program completely from politics; second, to give the new Commission adequate authority to carry on all essential phases of a broad conservation program embracing both wildlife and forestry.

As finally perfected, the document proposed a commission of four members, not more than two of whom could belong to the same party. They were to be appointed by the governor for overlapping terms of six years. Since Missouri governors are elected for four-year terms and cannot succeed themselves, chances were thus diminished that a patronage-minded executive would pack the Commission with spoilsman.\*

The commissioners were to serve without compensation except for reimbursement of expenses, and appointments were not to be confirmed by the senate, thus preventing political blocs in the senate from obstructing good appointments. To avert sectionalism, all four commissioners were to be appointed from the state at large.

The Commission was to have broad authority for the "control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wildlife resources of the State, including hatcheries, sanctuaries, reservations and all other property now owned or used for purposes or hereafter acquired for said purposes and the acquisition and establishment of the same. . . ." For the purpose of acquiring property, the power of eminent domain was granted in "the same manner" as exercised "by the State Highway Commission."

The proposed amendment also reserved all hunting and fishing

\* In the ordinary sequence of terms, four out of six Missouri governors will have an opportunity to appoint three members of the Commission.

license fees and other revenues from the administration of wildlife and state forests for the exclusive use of the Commission. Significantly, the document contained no mention of state parks, although parks are included under the authority of many state conservation departments. This reflected the resentment of Missouri sportsmen to the system under which increasingly large portions of their license fees had been diverted to support the state park system. The sportsmen wanted their license dollars spent for fish and game restoration, arguing that parks, used by the general public, should be supported by tax money. Under the then existing laws, unexpended annual balances in the game protection fund also lapsed automatically into the general revenue fund.

The Commission was to have specific powers to hire a director and staff, determine their qualifications and fix their salaries, thus providing for a merit system within the department.

#### The Pendergast Episode

Meanwhile Stephens undertook the task of organizing the state and raising money for the campaign. He resigned from his post as state director of the federal work-relief program Jan. 7, 1936, and at that time became the full-time salaried executive of the Federation with headquarters at Columbia.

The directors having been selected for the congressional districts, Stephens next set about finding someone to serve as Federation chairman in each county of the state. Attorney W. F. Fahey was named general chairman for St. Louis, and Edward K. Love, wealthy St. Louis realtor-sportsman, was selected to head the important finance committee.

J. R. ("Jack") Elliott, president of a large sporting goods concern, became general chairman for Kansas City and his cousin, Russell Elliott, proprietor of a popular shooting park, headed the Jackson County end of the Finance Committee.

Kansas City was an early and persistent enigma, for the reason that it was the home of the powerful political machine that at the time had almost complete control of official Missouri. Although no sign of annoyance had come from the Kansas City oracle of all things political in the Showme state, the name of Pendergast began to haunt the leaders of the Federation.

"You fellows are just wasting your time and money," pessimistic friends advised them. "Tom Pendergast will never let a thing like this get by. The vote is always small on constitutional proposals, and the boss can beat you with his voting machine in Kansas City alone."

Donations had been pouring in from St. Louis, where Love and Hoerr had been applying the lodestone. Eventually the St. Louis vicinity was to supply \$29,000 of the \$38,000 raised to finance the

campaign. Satisfactory if small sums were coming from rural parts of the state.

In Kansas City, however, the money raisers seemed to have drilled a dry hole. Contributions were forthcoming, but in insignificant dribbles of one to five dollars. In an early attempt to win endorsement by the Kansas City chamber of commerce, Stephens made a speech before the chamber's agricultural committee. The members listened politely and applauded vigorously, even asked friendly questions. "Does that mean anything?" Stephens asked his friend, Maj. Gen. E. M. Stayton, a retired army engineer and Jackson County road builder, who understood Kansas City politics.

"Not a damn thing, Syd," the general replied. "The Kansas City chamber of commerce doesn't endorse anything, or do anything, without the approval of the Democratic organization."

It began to look as if the Pendergast machine, through sheer indifference or passive resistance, might jeopardize the whole movement. Stephens knew that courthouse rings in Democratic counties throughout the state had their ears carefully attuned to Kansas City. If word got out that Pendergast opposed the conservation amendment, many local politicians would turn against it.

With the rumors flying, Jack Elliott and other Federation leaders in Kansas City decided to go directly to Pendergast, explain the proposed amendment and try to get a statement from him. According to Elliott, the group who made the initial pilgrimage to the famous cubby-hole office at 1908 Main Street included himself, W. W. ("Tom") Graves, Nickolas Noland and A. Z. Patterson.

Tom Graves was then prosecuting attorney of Jackson County and a high Pendergast lieutenant. As a sportsman and official of the Missouri Trapshooters Association, however, he favored the proposal to take fish and game out of politics. Noland and Patterson were prominent civic leaders as well as sportsmen.

The "committee to see Pendergast" succeeded in its mission. He assured them he would not oppose the movement. Some time later Tom Graves arranged an appointment with the boss for Stephens.

Stephens later said he approached this appointment with considerable trepidation. The powerful political leader might want to make a deal and, as a deal was impossible from the Federation's point of view, the consequences might be disastrous. On the other hand, he hoped his meeting with Pendergast would clear up the uncertainties of the situation.

Stephens was accompanied by Tom Graves and brother Ludwick Graves, a Kansas City corporation lawyer, when he called on Pendergast. He related that the trio climbed the rickety stairs and walked through a crowded ante-room directly into the little

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office. They found Pendergast seated at his desk with his hat on, looking exactly like a newspaper cartoonist's conception of a political boss. As they entered, the man at the desk whirled on Ludwick Graves and demanded, "Where have you been? You're just the man I want to see. We've got to elect a new school director and you're the man for the job! If I put you on the school board, will you work hard to give our kids the best schools in the country?"

Stephens recalled that Ludwick's mouth fell open, but before he could reply or protest, the telephone rang. It was nephew Jim Pendergast, heir apparent to the throne.

"Jim," the boss spoke into the telephone, "have you seen those men yet? Well, don't see them. Ludwick Graves is our man."

The business of the Board of Education thus disposed of, the political leader again turned his attention to the visitors. "There are two places," he said, "where we don't want any politics in Kansas City. One is the health department, the other is the schools."

Stephens took this as his cue. "That's exactly what we want to do with fish and game, Mr. Pendergast. Take them out of politics."

"What's that going to do to my friend Wilbur Buford?" Pendergast asked. Buford was the incumbent State game and fish commissioner.

Stephens replied that he had discussed the matter with Buford, and that the young commissioner had agreed a non-political, commission-headed department was the only hope for wildlife restoration.

"Well, what do you want me to do?" Pendergast asked. "Do you want me to conduct a campaign? My business is to carry Missouri for President Roosevelt and Major Stark." Lloyd C. Stark of Louisiana, Mo., was the organization's candidate for governor.

"We are not asking you to do anything, Mr. Pendergast," Stephens said. "If you approve it, just support the proposition in Kansas City and announce publicly that you are going to support it. That will have its effect throughout the state."

During some further explanation of the conservation objective, the political boss, at one point, asked:

"Will it help the women and children of Missouri, Mr. Stephens?"

Stephens assured him that it would.

"All right," Pendergast concluded the interview. "I'll be for it and help with it."

On March 10, 1936, Stephens announced in Columbia that the

proposed conservation amendment had been "endorsed by T. J. Pendergast whose Democratic organization will back it." The story was carried in the Columbia Missourian and other newspapers throughout the state.

About this time the initiative petition forms were distributed from Columbia to the Federation's county chairmen, who, with their local clubs or committees, began the task of securing the required number of signatures. The law governing this method of initiating an amendment required the signatures of 5 per cent of the voters in 9 of the state's 13 congressional districts. When eventually filed with the Secretary of State the petitions contained the names of 8 per cent of the voters in all the districts. The proposed amendment went on the ballot for the general election of 1936 as Proposition No. 4.

Following the Pendergast endorsement nearly \$5,000 in contributions poured into Federation coffers from Kansas City. For the smoothly functioning Kansas City political machine, getting signatures on petitions was a routine matter—too routine, in fact. Jack Elliott, who with Tom Graves directed the circulation of petition forms in Kansas City, related the following interesting sidelight to the writer:

"The first forms were returned to Elliott's office surprisingly soon by the Pendergast ward leaders. Examination revealed many names obviously written by the same hand. These forms were discarded and unequivocal instructions went out: 'The signature must be original and genuine!'"

Just why "Big Tom" decided not to oppose the movement remains a mystery of Missouri political history. The principles espoused by the conservationists were opposed to the very foundation upon which all political machines are built—the patronage system. One interpretation is that Pendergast foresaw the potential size of the snowball being pushed by a handful of sportsmen. Abiding by an old maxim of politics, he decided to join them because he couldn't beat 'em. Another guess, and the one favored by this writer, is that in 1936 Boss Pendergast considered the Game and Fish Department, with its 109 jobs and \$300,000 budget, small potatoes. The man who was naming governors and United States senators at will had his eye on bigger stakes. He also knew that in the long run, the life of his organization depended on keeping the public good will. He was at the time, prior to disclosures of wholesale vote fraud and million-dollar corruption, widely regarded as a benevolent if powerful political leader. Just as he professed loudly to keep politics out of the Kansas City schools, perhaps he saw in the non-partisan conservation movement another chance at small expense to cement the public impression of himself as a "good king."



One of the billboard posters widely used in Missouri by the Conservation Federation during the 1936 campaign for the constitutional amendment.

### How an Election Is Won

A steady stream of publicity flowed from headquarters at Columbia. At the height of the campaign the Federation staff included a field man named Russell Vermillion, who traveled throughout the state lining up petition carriers and helping with county organization; Vaughn Bryant as publicity director, and Reed Frisbie as office manager and general assistant to Stephens. The number of stenographers and typists varied but reached a peak of about twelve during the six weeks preceding election.

The district directors, county chairmen and other volunteer workers appeared before meetings of all kinds—farmers, women's clubs, civic organizations—appealing for support. One by one, endorsements were secured from such organizations as the American Legion, Veterans of Foreign Wars, the Farm Bureau, Missouri Farmers Association, Garden Clubs, Federation of Women's Clubs, and the chambers of commerce of St. Louis, Kansas City, Springfield and other cities.

Stickers urging "Save Wildlife! Vote Yes, Scratch No, on Proposition No. 4," appeared on windshields and bumpers of automobiles throughout the state. Cafe patrons found napkin holders on their tables urging support of Proposition No. 4. Full-page newspaper advertisements on the eve of election entreated, "Bring 'em Back to Missouri," and featured pictures of quail, deer, raccoon and other wildlife as eyecatchers. Highway billboards carried the same theme. Boy scouts distributed and tacked up campaign posters. Filling station attendants passed leaflets to motorists explaining the conservation plan. Movie patrons saw on their local screen a film entitled "It Can Be Done," showing phases of fish and game programs of Pennsylvania, Michigan and other states with advanced conservation agencies.

In St. Louis, Federation groups staged a big pre-election parade, rivaling the political candidates for the attention of the voters.

A few sportsmen's groups in the rural areas opposed the movement. Chief among these was the state fox hunters association, whose spokesman was L. F. Gingery, editor of the *Red Ranger* magazine published at Rushville. Gingery was a bitter pamphleteer, directing his appeals to the farmer. He warned against granting power to a "city sportsman's commission" over which the legislature could exercise little control.

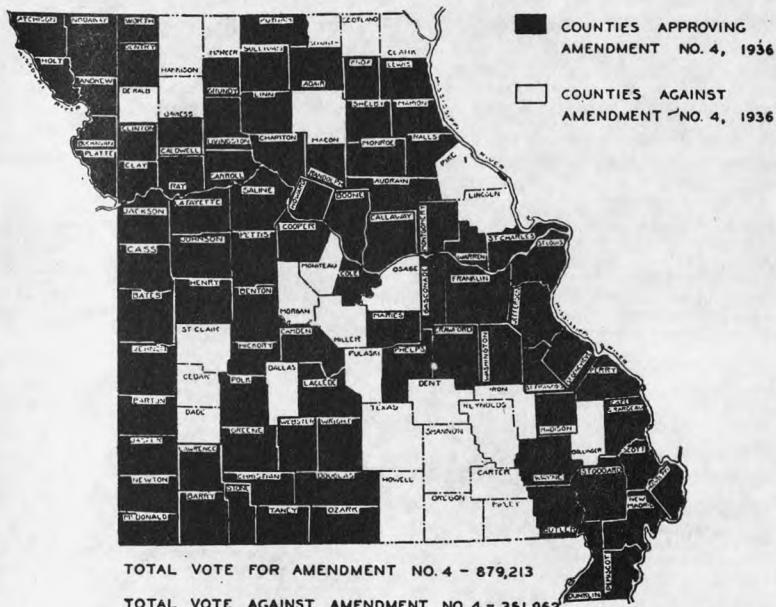
Stephens went on a statewide radio hook-up on election eve in reply to the opposition. He referred farmers, in whose minds he surmised Gingery's statements may have "raised a doubt," to Mr. William Hirth, president of the Missouri Farmers Association, to Mr. R. W. Brown, president of the Missouri Farm Bureau Federation, "and to any county agent or vocational agriculture teacher."

"Another eleventh hour attack," Stephens told his radio audience, "comes from the State Game and Fish Commissioner, whose office will be abolished if this proposition is adopted." He referred to critical press releases from Buford's office, advising defeat of the amendment.

"For the past 12 months, the Commissioner, Mr. Buford, has assured me that he and his staff would take no part, for or against Proposition No. 4. Out of consideration of that promise I have thus far refrained from any criticism of his administration. . . . I therefore feel free to give you the truth concerning the way your funds have been administered by his department." Thereupon, Stephens launched into a critical analysis of the department, pointing out that most of the money was spent for administration, the warden staff and state parks, and very little for "propagation."

Stephens also warned the people to be on guard against attempts to miscount the ballots. He repeated a report given him by "one of the leading members of the Restoration and Conservation Federation, who, by the way, is also a leading and active Democrat." This report was that "the game wardens of the state have been instructed to see all the judges and clerks of election and try to prevail upon them to count the ballots against Proposition 4, whether they were voted that way by the people or not."

This may have been merely one of those unfounded rumors



that crop up in any bitterly fought election contest. This writer is inclined to doubt that the wardens were given any such general instructions. Even had they been, they would have had little opportunity to carry them out on a scale sufficient to make a difference in the results.

Taking a page from the Pendergast notebook, the Federation ran its organization clear to the voting units. Prior to the election the books in Columbia listed 7,300 precinct workers, although Stephens later admitted only about half of them actually did any work. Their efforts, however, were to prove sufficient.

The Roosevelt-Landon race attracted a big outpouring of voters on Nov. 3, 1936, and an unprecedented percentage of Missourians paused long enough to vote also for Proposition No. 4. The conservation amendment carried the state 879,213 to 351,962. This was the largest vote and the biggest majority accorded a constitutional amendment in Missouri history. Testifying both to the thoroughness of the campaign and to the popularity of the issue, it carried in 85 of the 114 counties and registered majorities of 5-1 and 4-1 in Kansas City and St. Louis.

On the basis of the vote by counties, most opposition to the amendment lay in the Ozarks, where the hill residents traditionally resented any regulation of their hunting and fishing and regarded the game warden as a common enemy. Nineteen of the 29 counties showing a majority of "no" votes were south of the Missouri River, and 16 were Ozark plateau or Ozark border counties.

## Chapter VI

### THE COMMISSION IS ORGANIZED

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LOYD C. STARK, who was chosen governor of Missouri by the electorate which approved the conservation amendment, found public interest keen in the new Commission which it was his duty to appoint. Even before his inauguration he was contacted by many of the leaders who worked for Proposition No. 4, as well as by spokesmen of political factions who were hopeful of retaining an active voice in the new conservation regime. After he took office, letters began to pile up on his desk, some urging appointment of certain individuals, others seeking to impress upon him the type of appointment desirable for a non-political Commission.

Many of these letters were the result of an organized campaign by the Federation. "I feel that every man who has any access to the ear of Governor Stark should be told time and time again that the men who are appointed to this commission must be positively unpolitical and should be men drafted for the job and not men who have in any way solicited, or had solicited, their appointment," wrote Roland Hoerr in a letter to Ted Butler of Springfield. Sydney Stephens wrote in similar vein to directors and other Federation leaders in January of 1937 as follows:

"We have come to the point where it is necessary in the interest of the successful consummation of our program, for the members of the Federation to express themselves to Governor Stark concerning the selection of the Conservation Commission. This is made necessary because of the fact that a number of individuals in the state are promoting themselves for appointment. In most instances, if not in all of them, these individuals are not those who have thus far manifested a constructive interest in the program. In the absence of any expression on the part of our organization, their activities are calculated to leave Governor Stark without correct information as to the intense interest of the people of the state in this movement.

"I am therefore asking that you write the governor, requesting him to make his selection of the four commissioners on the basis and in the spirit in which Amendment No. 4 was adopted; namely, first, to eliminate entirely political considerations; second to select and if necessary to draft four men of zealous interest in the program, of demonstrated ability to launch it on the broad basis which its success requires, and third, to represent as fairly as possible the various sections of the state. . . . It will be helpful if the newspapers in your community will carry editorials on the subject."

E. SYDNEY STEPHENS, PRESIDENT  
COLUMBIAJOHN P. GASS, RECORDING SECRETARY  
SPRINGFIELDROLAND M. HOERR, VICE-PRESIDENT  
ST. LOUISRESTORATION AND CONSERVATION FEDERATION  
OF MISSOURI

February 10, 1937

Mr. Ted Butler  
1022 Landers Building  
Springfield, MissouriROLAND M. HOERR V. PRES.  
705 OLIVE STREET  
ST. LOUIS MISSOURI

Dear Mr. Butler:

Relying to your letter of February 8, beg to advise that I agree 100 per cent with all you say about the absolute necessity of having Syd Stephens appointed to the Conservation Commission - and further I feel that Syd is by all odds the most outstanding man of the State to be Chairman of this Commission. I can assure you our entire group here in St. Louis are of the same opinion. We are doing all possible that I know of to have Syd appointed, and a number of our contacts are very close friends of Governor Stark, so I am quite hopeful of success. However, there is always that outside chance which must be watched most carefully.

Syd was here today; and no doubt you will be over at Carthage tomorrow night where he is to speak at their meeting. I hope you will be there, as he will probably have several interesting things to tell you.

We must make the Federation permanent; and we must carry on for a period of at least five years after the Commission is appointed, to be certain that our program is carried through. It will take additional money to do this, so that any money you can possibly raise to help carry on will be greatly appreciated.

Also, I feel that every man who has any access to the "ear" of Governor Stark, should be told time and time again that the men who are appointed to this Commission must be positively unpolitical and should be men drafted for this job and not men who have in any way solicited - or had solicited their appointment.

With kindest personal regards and hoping that if you ever get up this way you will look me up, I am,

Sincerely yours,

*Roland M. Hoerr*

BOARD OF DIRECTORS
BEVERLY L. BONFOY KIRKSVILLE MISSOURI
HOWARD BEAZLEY MARSHALL MISSOURI
CLAYTON O. JUDSON 1022 LANDERS STREET ST. LOUIS MISSOURI
J. R. ELLIOTT 1422 GRAND AVENUE KANSAS CITY MISSOURI
DR. ALBERT A. BAKER 1030 AMBER BUILDING KANSAS CITY MISSOURI
JOHN P. GASS 218 PACIFIC STREET SPRINGFIELD MISSOURI
W. W. SAILS 709 SOUTH GARRISON CARTHAGE MISSOURI
PHIL M. DONNELLY LAW OFFICES OF DONNELLY A. MEXICO MISSOURI
G. G. THURMAN STALLINGS CAFE GIRARDEAU MISSOURI
RUSSELL L. DEARMONT 1601 LOCUST STREET ST. LOUIS MISSOURI
HAROLD A. COX 1005 SECURITY BUILDING ST. LOUIS MISSOURI
W. ASHLEY GRAY 305 OLIVE STREET ST. LOUIS MISSOURI

Reproduced here is the letter of February 10, 1937, in which Roland M. Hoerr, vice-president of the Federation, enunciated to Ted Butler the principle that appointments to the new Conservation Commission must be non-political in nature. The reverse side of the Federation letterhead, reproduced on page 44 listed the names of local Federation officers who directed district, county and city-ward campaigns for Proposition No. 4 under the statewide leadership of E. Sydney Stephens. This history of names appears on pages 44 and 45.

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In a conference shortly after his inauguration, Governor Stark told Stephens that he was going to make a careful study of all factors before making up his mind, and that he was not going to be hurried. He did not, in fact, announce the appointments until July 1, 1937, the date on which the amendment went into effect. The governor's thinking may be surmised from the nature of his selections:

E. SYDNEY STEPHENS (Democrat). Selection of Stephens was generally expected because of his prestige as executive director of the successful campaign. Although he had no authority to name a chairman, Stark said in announcing the appointments that he "hoped" the Columbia leader would be elected chairman "in view of his work in behalf of Constitutional Amendment No. 4."

A. P. GREENSFELDER (Republican). A successful construction contractor and civic leader of St. Louis, Greensfelder had been serving on the State Planning Board. His appointment was calculated to represent the vociferous interest of the metropolitan area as well as bring the judgment of a professional engineer and successful business man to the Commission.

JOHN F. CASE (Republican). Editor of the Missouri Ruralist magazine and author of numerous articles and books on farming, Case was recognized as the spokesman for agricultural interests on the new Commission. He resided at Wright City, talked and looked like a successful farmer.

WILBUR C. BUFORD (Democrat). By keeping the last state game and fish commissioner in the picture as a member of the non-salaried Commission, Governor Stark is believed to have circumvented political pressure brought on him to use his influence in getting Buford the job of director. He no doubt also considered Buford's experience as head of the former department would smooth the transition period. His appointment also would assure the loyalty of departmental employees who would be asked to carry on until the Commission could reorganize its staff.

At an early meeting the Commission elected Stephens chairman and Buford secretary. J. Frank Ramsey of Jefferson City was named acting director as the Commission began a nationwide search for a permanent executive.

Dr. Rudolf Bennett, whose survey of Missouri game and furbearers had been completed but not yet published,\* served as unofficial adviser to Stephens during the campaign for the amendment. In 1937 the University of Missouri biologist was president of the

\* In which Dr. Bennett collaborated with W. O. Nagel.

Wildlife Society, national professional organization. Soon after its organization, the Commission asked Dr. Bennett for a list of national authorities in the conservation field whom he considered best qualified to advise the Commission regarding its duties. Stephens then wrote to twenty experts listed by Bennett, asking them to suggest potential candidates for the position of director. As a result of this correspondence, he received a number of suggestions and some applications.

The names of the potential candidates were then submitted to fourteen of the recognized authorities, who were asked to rank the candidates and comment on their qualifications. Thus, utilizing the best minds in the business, the Commission narrowed the field and got composite appraisal of the kind of man it was looking for.

Next the Commission invited about a dozen of the authorities, among them several potential candidates for the directorship, to a conference held in St. Louis Sept. 25-26, 1937. Purpose of the meeting, according to the official minutes, was "to secure from them (the experts) their suggestions as to the activities in which the Commission should engage in order to carry out its functions and to determine the qualifications of the Director of Conservation. . . ."

Not all the experts invited could attend; those present included Aldo Leopold, professor of game management, University of Wisconsin; H. D. Ruhl, game chief of the Michigan Conservation Department; Paul V. Brown, regional director, National Park Service; Lyle Watts, regional director, U. S. Forest Service; Leslie Bean, assistant regional forester, U. S. Forest Service; Nash Buckingham, Tennessee writer and conservation leader; S. B. Locke, conservation director, Izaak Walton League of America; Joe A. Grant, recreational project manager, National Park Service, and Missouri's own Rudolf Bennett.

After picking the minds of the experts in a prolonged round-table discussion, the Commission went into executive session and adopted a guiding statement of policy listing five major functions which it intended to perform, as follows:

1. Research, including investigation of the causes of wildlife depletion and means of restoration.
2. Propagation (game and fisheries management).
3. Enforcement.
4. Forestry, including cooperation with and assistance to private timberland owners.
5. Public relations, with particular reference to education and farmer participation in wildlife management.

Basing its action on the counsel of the assembled authorities, the Commission also wrote into the minutes of the meeting this definition of the qualifications it would seek in a director: "That

he be sufficiently trained in the technical phases of the various activities of the Commission to enable him to advise the Commission concerning such activities and further to enable him to recommend to the Commission, for its approval, the employment of staff members qualified to carry out their respective activities."

Seven of the men attending the St. Louis conference were interviewed for the directorship, although not all of those seven were actual candidates for the job. After the St. Louis interviews the Commission narrowed the field to four; Leslie Bean; Paul V. Brown; Peter J. Hoffmaster, who at the time was director of the Michigan Conservation Department; and Irwin T. Bode, chief extension biologist of the U. S. Biological Survey.

Among those unable to attend the St. Louis meeting, Hoffmaster and Bode were interviewed at Columbia Oct. 10. The Commission decided the following day to offer the position to Bode. Bode accepted and arrived in Jefferson City Nov. 15, 1937, to begin his duties. By going outside the State for a director, the Commission precipitated the first court test of its authority under the constitutional amendment, a case that will be discussed in the next chapter.

Bode was a career conservationist. A native of Keokuk, Iowa, he was graduated in forestry from Iowa State College, where he took an M.S. degree, and had served three years as director of the Iowa Conservation Commission before joining the staff of the U. S. Biological Survey. Immediately before coming to Missouri he had been in charge of wildlife conservation activities in the U. S. Agricultural Extension Service.

After Bode was installed the Commission continued to go outside Missouri when necessary to find talent for key positions. Another notable non-resident appointment was Arthur L. Clark to the important post of chief of the Division of Fish, Game and Forestry, an administrative position second only to Bode's in importance. Clark, a graduate biologist, was serving at the time as Game and Fish Commissioner of Connecticut. He was widely regarded as one of the most progressive state officials in the wildlife field.

By spring of 1938 the Commission had about completed its staff organization. As originally set up, functions and personnel were grouped under three general divisions: (1) Administration; (2) Fish, Game and Forests; (3) Information and Education. In addition to the director's office, the Division of Administration included a section of budget and accounting, the protection section, and a section of lands and waters.

Within the Division of Fish, Game and Forests, the division chief also served as head of the game section. Fisheries and for-

estry were separate sections. Information and Education, given division status as a matter of emphasis, at first consisted only of a publicity man and two stenographers.

As the Commission program unfolded and certain activities expanded, the administrative structure was revised from time to time. For example, forestry later became a separate division; the section of lands and waters became the section of engineering, acquisition and development under the Fish and Game Division, and education-information ultimately became a full-fledged division with two sections and personnel numbering 20 to 25. A new field service section and the protection section became the Field Division. Some of the administrative developments will be discussed in later chapters.

#### Selecting the "Conservation Agents"

Most of the game wardens employed under the former department had been retained as temporary officers, but early in 1938 the Commission moved to place the protection staff on a merit basis. Probably as a result of the widespread public interest in the new program and partly, no doubt, because jobs were in demand, the Commission had received 757 applications for the protection force. Preliminary age and physical requirements eliminated 133. The remaining 624 applicants were invited to take oral and written examinations on a competitive basis and 480 appeared for the tests.

Conducted in classrooms of the Jefferson City Junior College with legislators and sportsman-club representatives as observers, the written examination included tests in spelling and vocabulary, history, civil government, geography, arithmetic, forestry, nature study, fish and game laws and game law investigation. Those making passing scores were then interviewed orally and rated as to personality. A field investigation of character completed the examination except for a final physical check-up.

By virtue of having survived the competitive examination, several of the former wardens were retained, but most of the 43 officers of the reorganized protection force which took the field July 1, 1938, were new men.

Henceforth the enforcement officers were called *Conservation Agents* instead of game wardens, emphasizing an expanding field of duties. Their work included public relations, work with school children and youth groups, and field supervision of various Commission activities.

In-service training also was begun in 1938 with the first annual training conference for the conservation agents. Divided into two groups in order to leave half the staff on field duty, the

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agents were given six days of intensive schooling. In later years field training of new men and periodic regional conferences supplemented the annual training school.

#### The Advisory Committee

While the new Commission was organizing its staff, establishing general policies and procedures, it was assisted by a citizens' Advisory Committee appointed by Governor Stark. This committee had no legal basis or authority, but provided a convenient sounding board for the early issues that had to be threshed out. The following were members:

Rex Allaman, Forsyth  
R. D. Allen, Butler  
J. L. Babler, St. Louis  
Rudolf Bennett, Columbia  
A. E. Bettis, Kansas City  
Ralph Bixby, St. Louis  
B. L. Bonfoey, Kirksville  
Moreland Brown, Lake Ozark  
R. W. Brown, Carrollton  
Ted Butler, Springfield  
George W. Catts, Kansas City  
Russell L. Dearmont, Cape Girardeau  
Farleigh Enright, St. Joseph  
William King Gardner, St. Louis  
A. P. Green, Mexico  
J. W. Head, Palmyra  
Langdon R. Jones, Kennett  
H. H. Lark, Steelville  
Edward K. Love, St. Louis  
Ralph H. Peck, Columbia  
D. J. Poyner, Joplin  
Means Ray, Jefferson City  
Clay H. Stark, Louisiana  
E. F. Swinney, Kansas City  
Dr. H. K. Wallace, St. Joseph  
Fred L. Williams, St. Louis

#### The New Wildlife and Forestry Code

During its first two and one-half years the Commission made few changes in the state's statutory fish and game code, which, to avoid legal doubts, it formally adopted almost in its entirety as its own body of regulations. The Commission did, however, halt all legal hunting of deer and wild turkey and made a few changes affecting fishing; otherwise it continued to enforce seasons and limits previously enacted by the Legislature.

During the winter of 1938-39 a series of 12 public hearings was held at points throughout the state preparatory to a complete overhauling of the wildlife code. The Commission staff tabulated results of the public hearings, as well as hundreds of other suggestions that came to it, and analyzed these against the findings

of the Commission's own field force—the conservation agents and new game technicians. The Bennett-Nagel survey of game and fur-bearers, published as a University of Missouri research report in 1937, was consulted frequently. After tentative approval by the four-member Commission, the revisions were put in final form by legal counsel and made public August 28, 1939, as a proposed new "Wildlife and Forestry Code" for Missouri.

Criticism was invited and came in large helpings. Many considered the proposals too drastic; in general, open seasons were shortened, bag and creel limits reduced. Raccoon, considered in critical scarcity, was to be given temporary complete protection. A bag limit was proposed for rabbits, and this especially seemed drastic to Missourians, accustomed to widespread market hunting of the abundant cottontail.

With a number of modifications, eliminating most of the points of bitter contention in its original proposals, the Commission officially promulgated the new regulations, on Oct. 5. They went into effect Jan. 1, 1940.

The licensing system, as provided in the statutes prior to 1937, was retained, except for clarifications of the county hunting-trapping-fishing permit for \$1; and requirement that women, as well as men, must possess a permit to fish if over 16 years of age. The proposed bag limit on rabbits was discarded, but seasons on fur-bearers were reduced. Provisions were made for special regulations on raccoon, and deer and turkey were kept on the completely closed list.

Additional modifications were announced by the Commission in March and April of 1940, when public reaction had begun to jell and some loopholes had come to light. Major change announced in April was an earlier opening date for fishing in the Lake of the Ozarks and Lake Taneycomo. Previously closed with all other waters until May 15 (June 15 for black bass), these impoundments were opened April 15 except for certain coves kept closed until June 15 as spawning areas. At the same time all length limits were removed except on black bass. The Commission explained a preliminary biological study had revealed the two impoundments to be over-populated with stunted fish. This was the first fishing regulation based on scientific investigation in Missouri history. As was to have been expected, it met with considerable public scepticism, reversing as it did the old tradition that good sportsmen should "throw the little ones back."

The several modifications of its new Code announced by the Commission during 1940 led to a popular jest that a set of regulations carried into the field by a hunter or fisherman would be out of date by the time he returned that night. One of the charges

**Amendment to the Constitution of Missouri Creating the Conservation Commission****ADOPTED NOVEMBER 3, 1936**

The control, management, restoration, conservation and regulation of the bird, fish, game, forestry, and all wildlife resources of the State, including hatcheries, sanctuaries, refuges, reservations and all other property now owned or used for said purposes or hereafter acquired for said purposes and the acquisition and establishment of the same, and the administration of the laws now or hereafter pertaining thereto, shall be vested in a commission to be known as the CONSERVATION COMMISSION, to consist of four members to be appointed by the Governor, not more than two of whom shall be members of the same political party. The commissioners shall have knowledge of and interest in wildlife conservation. Vacancies shall be filled by appointment by the Governor for the unexpired term within thirty days from the date of such vacancy; on failure of the Governor to fill the vacancy within thirty days, the remaining commissioners shall fill the vacancy for the unexpired term: The first members of said commission shall be appointed for terms as follows: one for a term of two years, or until his or her successor is appointed and qualified; two for terms of four years, or until their respective successors are appointed and qualified; one for a term of six years, or until his or her successor is appointed and qualified. Upon the expiration of each of the foregoing terms of said commissioners, a successor shall be appointed by the Governor for a term of six years, or until his or her successor is appointed and qualified, which term of six years shall thereafter be the length of term of each member of said Commission. The members of said Commission shall receive no salary or other compensation for their services as such. The members of the Commission shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties.

Said Commission shall have the power to acquire by purchase, gift, eminent domain, or otherwise, all property necessary, useful or convenient for use of the Commission, or the exercise of any of its powers hereunder, and in the event the right of eminent domain is exercised, it shall be exercised in the same manner as now or hereafter provided for the exercise of eminent domain by the State Highway Commission.

A Director of Conservation shall be appointed by the Commission and such director shall, with the approval of the Commission, appoint such assistants and other employees as the Commission may deem necessary. The Commission shall determine the qualifications of the director, all assistants and employees and shall fix all salaries, except that no commissioner shall be eligible for such appointment or employment.

The fees, monies, or funds arising from the operation and transactions of said Commission and from the application and the administration of the laws and regulations pertaining to the bird, fish, game, forestry and wildlife resources of the State and from the sale of property used for said purposes, shall be expended and used by said Commission for the control, management, restoration, conservation and regulation of the bird, fish, game, forestry and wildlife resources of the State, including the purchase or other acquisition of property for said purposes, and for the administration of the laws pertaining thereto and for no other purpose.

This general assembly may enact any laws in aid of but not inconsistent with the provisions of this amendment and all existing laws inconsistent herewith shall no longer remain in force or effect. This amendment shall be self-enforcing and go into effect July 1, 1937.

invariably hurled by critics was that the Commission made frequent and unpredictable changes in regulations without giving the public proper notice. In rebuttal, defenders of the conservation amendment upheld the authority to make regulation changes when needed as one of the virtues of the Commission system. They pointed out that when game laws were made by the state's General Assembly, which met once every two years, a crisis in wildlife conditions could, and sometimes did, result in disaster before the Legislature could act. Revisions became less and less frequent after 1940 and customarily were made in September or October, to take effect the following January.

#### COUNTY, CITY AND DISTRICT OFFICERS

(Reproduced from back of letterhead shown on page 36)

##### First District, B. L. Bonfoey, Kirksville, Director

Adair—C. J. Baxter, Kirksville  
Clark—Robert Hiller, Kahoka  
Daviess—J. H. Tate, Gallatin  
Grundy—Hugh K. Graham, Trenton  
Knox—A. L. Bert, Edina  
Lewis—Dr. L. V. Cockrum, La Belle  
Linn—Errol Joyce, Brookfield  
Linn—Forrest M. Gull, Cnllicothe  
Macon—W. Oscar Neel, Macon.  
Marion—Roy Ranacker, Hannibal.  
Mercer—E. C. Elsey, Princeton  
Putnam—A. H. Stuckey, Unionville  
Schuyler—Harry D. Hall, Lancaster  
Scotland—A. L. Luther, Memphis  
Shelby—W. T. Dismitt, Shelbyville  
Sullivan—Jack Payne, Milan

##### Second District, Howard Beazley, Marshall, Director

Benton—Dr. R. H. Ahrens, Warsaw  
Boone—H. J. Waters, Columbia.  
Camden—Judge M. M. Prussing,  
Camdenton  
Carroll—J. T. Garner, Carrollton  
Chariton—John H. Rush, Keytesville  
Cole—Carl Schultz, Jefferson City  
Cooper—Dr. T. C. Beckett, Boonville  
Hickory—Ralph Nevins, Hermitage  
Howard—L. W. Brockman, Fayette  
LaFayette—A. G. Biesenherz,  
Lexington  
Miller—Dr. Logan Allee, Eldon  
Moniteau—Dr. B. M. Miller, California  
Morgan—Douglas G. Hubbard,  
Versailles  
Randolph—C. M. Hulen, Moberly  
Saline—G. C. Waters, Marshall

##### Third District, Clayton O. Judson, St. Joseph, Director

Andrew—Virgil Henderson, Savannah  
Atchison—George Beasing, Rock Port  
Buchanan—H. D. Allison, St. Joseph  
Caldwell—Dr. C. H. Wilbur, Polo  
Clay—F. L. Kimber, Excelsior Springs  
Clinton—Sam J. Porter, Plattsburg  
DeKalb—Burt H. Phelps, Maysville  
Gentry—Ben Christian, Albany  
Harrison—Ben Crouch, Bethany  
Holt—Lloyd A. Dankers, Oregon

Nodaway—Stanley Ferguson, Burlington Junction  
Platte—A. F. Russell, Rushville  
Ray—Edwin F. Cates, Richmond  
Worth—Curtis F. McKim, Grant City

##### Sixth District, John P. Gass, Springfield, Director

Barton—W. D. Harmon, Lamar  
Bates—R. D. Allen, Butler  
Cass—Homer J. Clark, Harrisonville  
Cedar—C. E. Lucas, El Dorado Springs  
Greene—Ted Butler, Springfield  
Henry—Judge Hayster A. Poague,  
Clinton  
Johnson—H. A. McDonald,  
Warrensburg  
Pettis—J. T. Montgomery, Sedalia  
Polk—Ted Montague, Bolivar  
St. Clair—Jennings Smith, Osceola  
Vernon—Larry Ferguson, Nevada

##### Seventh District, W. W. Sails, Carthage, Director

Barry—H. L. Siebenthaler, Monett  
Christian—R. M. Mapes, Ozark  
Dade—Edwin Harrison, Greenfield  
Dallas—Jack Newport, Buffalo  
Douglas—Fred Livingston, Ava  
Howell—Dean Davis, West Plains  
Jasper—W. A. Drake, Carthage  
Lawrence—Ben Cuendet, Mt. Vernon  
McDonald—Conley Hickman, Noel  
Newton—Corley Thompson, Neosho  
Ozark—J. C. Harlin, Gainesville  
Stone—Dr. J. H. Young, Galena  
Taney—Harold A. Smith,  
Rockaway Beach  
Webster—Henry E. Felin, Marshfield  
Wright—Dr. W. A. Zimmerman,  
Mansfield

##### Eighth District, Phil M. Donnelly, Lebanon, Director

Carter—Dr. T. W. Cotton, Van Buren  
Crawford—Albert C. Stumpf, Cuba  
Dent—L. D. Vandivoort, Salem  
Iron—J. L. Connelly, Ironton  
Jefferson—Harry Mentzer, Crystal City  
Laclede—George Bassore, Lebanon  
Madison—M. D. Robbins,  
Fredericktown

Oregon—  
Perry—  
Phelps—  
Pulaski—  
Reynold—  
St. Francis—  
Farr—  
Ste. Genevieve—  
Shannon—  
Birch—  
Texas—  
Washington—  
Wayne—

Audrain—  
Callaway—  
Franklin—  
Gasconade—  
Lincoln—  
Maries—  
Monroe—  
Montgomery—  
Monroe—  
Osage—  
Pike—  
Lou—  
Rails—  
St. Charles—  
Warren—  
Tenth—  
C—  
Bollinger—  
Butler—  
Pop—  
Cape Girardeau—  
Dunklin—  
Ken—  
Mississippi—  
New Madrid—  
New Mexico—  
Pemiscot—  
Carroll—  
Ripley—  
Scott—  
Stoddard—

Oregon—Gordon P. Dorris, Alton  
 Perry—William End, Perryville  
 Phelps—W. R. Brown, Rolla  
 Pulaski—Sam T. Rollins, Waynesville  
 Reynolds—Dr. L. B. Rollis, Ellington  
 St. Francois—Aired J. Butterfield,  
 Farmington  
 Ste. Genevieve—Harry Petrequin,  
 Ste. Genevieve  
 Shannon—Dr. Hallie Kirkendall,  
 Birch Tree  
 Texas—W. P. Gibbs, Houston  
 Washington—Dr. A. M. Cain, Potosi  
 Wayne—Kenneth Barrow, Greenville

**Ninth District,**  
**A. G. Thurman Stallings,**  
**Mexico, Director**

Audrain—Howard J. Rhodus, Mexico  
 Callaway—Phillip Smith, Bachelor  
 Franklin—Carl Otto, Washington  
 Gasconade—E. R. Pryor, Owensville  
 Lincoln—Owen Turnbull, Troy  
 Maries—J. C. Webb, Vienna  
 Monroe—Dr. E. B. Riley, Madison  
 Montgomery—Frank Schlanker,  
 Montgomery City  
 Osage—Buell F. Ferrler, Linn  
 Pike—Andrew J. Murphy, Jr.,  
 Louisiana  
 Ralls—Orville Mabry, Perry  
 St. Charles—Ed Schnare, St. Charles  
 Warren—M. Neal Schwengert,  
 Warrenton

**Tenth District, Russell L. Dearmont,**  
**Cape Girardeau, Director**  
 Bollinger—Edgar Allen, Marble Hill  
 Butler—Dr. Z. Lee Stokely,  
 Poplar Bluff  
 Cape Girardeau—James A. Jackson,  
 Cape Girardeau  
 Dunklin—Sen. Langdon R. Jones,  
 Kennett  
 Mississippi—Joe H. Moore, Charleston  
 New Madrid—J. V. Conran  
 New Madrid  
 Pemiscot—H. V. Litzelfelner,  
 Caruthersville  
 Ripley—Eugene B. Johnson, Doniphan  
 Scott—Ray B. Lucas, Benton  
 Stoddard—C. C. Oliver, Bloomfield

**Fourth District, Dr. Wilbur A. Baker,**  
**Kansas City, Director**

**Fifth District, J. R. Elliott,**  
**Kansas City, Director**  
 General Chairman for Kansas City—  
 J. R. Elliott  
 Chairman, Finance Committee—  
 Russell Elliott

**Eleventh District, Frank H. Wielandy,**  
**St. Louis, Director**

**Twelfth District, Harry A. Collins,**  
**St. Louis, Director**

**Thirteenth District, W. Ashley Gray,**  
**St. Louis, Director**  
 General Chairman for St. Louis—  
 W. F. Fahey  
 Chairman, Finance Committee—  
 Edward K. Love  
 Chairman, St. Louis County—  
 James P. Lane, Kirkwood  
 Secretary, St. Louis County Organ-  
 ization Committee—John L. Bo-  
 land, Jr., Webster Groves

Ward Chairmen, City of St. Louis:

First—Henry Hammer  
 Second—Charles Ebert  
 Third—William Grimm  
 Fifth—Gus Romaker  
 Eighth—C. A. Wheeler  
 Tenth—Walter Taube  
 Eleventh—Otto H. Grierer  
 Twelfth—Gus Budde  
 Thirteenth—Edward L. Thompson  
 Fourteenth—A. D. Luehrmann  
 Fifteenth—W. R. Parker  
 Sixteenth—Sam Tischler  
 Eighteenth—Louis M. Weber  
 Nineteenth—Robert P. Disse  
 Twentieth—Edward W. MacMahon  
 Twenty-first—John H. Feckter  
 Twenty-second—Richard H. Nash  
 Twenty-third—Lyle Garrison  
 Twenty-fourth—Darwood Sheriffs  
 Twenty-fifth—Nelson Gatch  
 Twenty-sixth—Paul Houser  
 Twenty-seventh—Leon E. Derr  
 Twenty-eighth—A. C. Bauer  
 Vice-President of Federation—  
 Roland M. Hoerr, St. Louis

## Chapter VII

### THE SUPREME COURT CASES

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THE first court test of the conservation amendment came before the Commission's new director could draw a full month's pay check. A Jefferson City lawyer and politician named James T. Blair sued in the circuit court of Cole County for an injunction restraining the Commission and the state auditor and treasurer from paying the salary. Blair argued that as a non-resident, I. T. Bode could not legally hold public office in Missouri. He cited the following provision of the state constitution:

"Article 8, Section 10. Aliens not to hold office. Residence required. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States and who shall not have resided in this State one year next preceding his election or appointment."

On Nov. 29, 1937, Judge Nike Sevier ordered members of the Commission, Bode, Auditor Forrest Smith and Treasurer Robert W. Winn to show cause why the injunction should not be granted, and directed that no state funds be paid to Bode.

At the same time, Attorney General Roy McKittrick filed quo warranto proceedings in the State Supreme Court asking for Bode's ouster on the same grounds.

Efforts had been made through political channels to influence the selection of personnel by the Commission. There had been a few Missouri applicants for the position of director, and some had come supported by endorsements from local or district party leaders. Their misunderstanding on that score was not surprising. Jobs in the department had always been awarded on the basis of political endorsement, and had not Governor Stark, a Pendergast candidate, appointed the Commission? In rejecting such applications and rebuffing attempts at political influence the Commission left little doubt that it intended to hew to the line of non-partisanship.

It is entirely likely that some of the disappointed applicants took their protests to the elective state officials, all of whom at the time were identified in more or less degree with the Pendergast organization. It should be recorded here that, according to statements made to the writer by E. Sydney Stephens during his tenure on the Commission and after his retirement, Tom Pendergast himself never once intervened in behalf of job applicants or attempted personally to influence the Commission in any way.

Perhaps envy of the salary guaranteed Bode by the Commission had something to do with the ouster action. In 1937 his starting salary of \$6,000 per year made him one of the highest paid state officials in Missouri. In contrast, the commissioner of the former Game and Fish Department was paid \$3,000 per year.

One of the authors of the conservation amendment represented Bode in the case. He was former Supreme Court Judge Fred L. Williams, a member of the St. Louis firm of Williams, Nelson & English. His answer filed in behalf of Bode pointed out that no resident of the state could be found possessing the qualifications set up by the Commission for the position of director, that Bode possessed those qualifications, and therefore was legally employed. The court sustained a McKittrick motion for early consideration of the case, briefs were filed and final arguments were heard Jan. 26, 1938.

The lawyers debated the case around two main questions: Was the directorship of the Commission a "public office" and therefore subject to constitutional requirements of residence? Did the amendment's grant of authority to the Commission to "determine the qualifications of the director" supersede the earlier provision?

McKittrick, who was assisted in his pleadings by Blair and Franklin E. Reagan, an assistant attorney general, argued the conservation director was indeed a public officer, and that the amendment had to be "harmonized" with the rest of the constitution.

Attorneys for Bode contended that the director was not a public officer because no duties were imposed upon him by law. He was, according to respondent's brief, merely an employe, a trained, technical adviser to the Commission, able to exercise only such authority as the Commission saw fit to grant him. The Commissioners themselves, it was argued, were the only public officers under the amendment.

But if Bode were held to be a public officer, the argument continued, he was eligible because the amendment, as a later expression of the public will, gave the Commission authority to determine the qualifications of a director irrespective of former constitutional provisions. Finally the brief pointed out precedent wherein the Supreme Court "may properly exercise a judicial discretion . . . in refusing a judgment of ouster" even though purely technical grounds may exist.

The Court was unanimous in finding for Bode but divided 4 to 3 in its reasoning. The majority opinion, written by Judge Ernest S. Gantt and concurred in by Judges Charles T. Hays, William F. Frank and James M. Douglas, brushed aside the arguments that Bode was not a public officer, declaring it not possible to define

the words. Rather, the opinion held, this matter must be determined by the particular facts of the case, the intent of the law, the duties to be performed, the depository of power and other surrounding circumstances. Certainly, Judge Gantt wrote, the director of the Conservation Commission is a public officer.

But in denying the writ of ouster, the concurring majority declared there was no ambiguity in the conflicting provisions of the conservation amendment and the previous section on residence. The wording and intent were clear. Therefore "the amendment must prevail because it is the latest expression of the will of the people."

A minority opinion written by Judge George R. Ellison, in which he was joined by Judges Ernest Moss Tipton and C. A. Leedy, Jr., concurred in denying the ouster but for a different reason. "It is our view," the three dissenters said, "that the Director of Conservation is not a public officer. The constitutional amendment does not fix any term of office, prescribe any duties, fix any salary, require any oath or bond, or directly vest the Director with any of the indicia of office. He has no independent public duties or authority . . . Whatever he does is subject to the approval of and as manager or director for the Commission. It is evident that the amendment contemplates the Director of Conservation shall be an expert learned in the control, management, restoration, conservation and regulation of the bird, fish, game, forestry and all wild life resources of the state. Under the amendment the Commission could appoint as director an expert in forestry for a brief time, discharge him and appoint another learned in some other field. The position of director is more analogous to that of the President of our State University appointed by the Board of Curators . . . He is not a public officer and for that reason in our opinion the Commission may properly appoint to that position a man who does not come within the requirements of Art. VIII, Sec. 10 of the Constitution."

The decision was announced Feb. 25, 1938. In St. Louis, Edward K. Love began returning their checks to a group of St. Louisans who had agreed to underwrite Director Bode's salary pending outcome of the ouster proceedings.

#### The Second Court Test

The second Supreme Court test, which firmly established the jurisdictional position of the Commission, had to do with the authority to make regulations. By and large, the old legislative statutes fixing seasons, limits, etc., were still being enforced; the Commission had not yet undertaken wholesale revision of the game and fish code. It had, however, quickly closed all hunting of deer and wild turkey and announced some minor changes, in-

cluding an earlier black bass season. Among lawyers of the state there was considerable division of opinion regarding the Commission's power to set aside or change the old game and fish laws. Some prosecuting attorneys refused to prosecute under Commission rules, but would proceed to court without hesitancy if an action were to be found in violation of the old statutes.

In order to clear up the matter, a court test was arranged by supporters of the amendment. The Commission had established a 1938 open season on bass beginning May 28. On opening day a Dallas County sportsman named Byron Marsh went fishing in Greasy Creek, caught a largemouth bass, and was promptly arrested by Sheriff Harrison Bartlett upon information filed by the prosecuting attorney. Marsh was accused of violating Section 8270, Revised Statutes of Missouri, 1929, which declared a closed season on bass from April 1 to May 30. Marsh was tried June 9 before Justice of the Peace R. A. Andrews, found guilty and fined \$10 and costs. He refused to pay the fine and was committed to jail. The following day he petitioned in the Supreme Court of Missouri for a writ of habeas corpus. Lon S. Haymes, Springfield attorney who was a member of the committee that drafted the conservation amendment, represented Marsh and handled the case before the Supreme Court. He was assisted by Charles M. Polk of St. Louis and William R. Collinson, a young Springfield lawyer.

Sheriff Bartlett as respondent was represented by Attorney General Roy McKittrick, assistant Attorneys General William Orr Sawyers and Olliver W. Nolen, and Lawrence L. Bradley as special counsel.

The Conservation Federation of Missouri entered the case as *amicus curiae* (interested friends), with a brief and arguments prepared by William F. Fahey, St. Louis; J. T. Montgomery, Sedalia; R. A. Brown, Jr., St. Joseph; Nick T. Cave, Columbia; Curtis J. Quimby, Jefferson City; Ludwick Graves, Kansas City; Russell Dearmont, St. Louis, and L. D. Joslyn, Charleston.

Heard in the September 1938 term of court, the case resulted in the unanimous decision announced about Nov. 4, upholding the regulatory powers of the Commission and the validity of the amendment wherein it declared: "All laws inconsistent herewith shall no longer remain in force and effect." The Court's ruling was written by Judge Charles T. Hays, with all other members concurring except Leedy, who did not sit on the case. Excerpts follow:

"It is to be noted that there is no controversy in respect of the initiative proposal and adoption of Amendment No. 4. Under the pleadings as framed it is admitted . . . that everything essential under the law to accomplish the adoption of a constitutional amendment was performed. Accordingly, our attention may now be directed to the controversial features of the case.

"It is respondent's (Sheriff Bartlett's) position, in substance, that the questioned amendment thus adopted, when tested by the touchstone of the constitution itself, is lacking in the essentials of a valid constitutional amendment; is not, in effect, organic law but a legislative act unrelated to and incongruous with the Constitution which creates a three-fold division and separation of governmental powers . . .

"The Attorney General likens this amendment to the Fish and Game Code (Chap. 43, pp. 2329-2352, R. S. 1929), and he quotes section 8209 which imposes upon the Fish and Game Commissioner the duty to enforce all laws now or hereafter enacted for the protection, preservation and propagation of the game animals, etc.; and also section 8218 which authorizes and empowers that official to assume the control and management of all the state fish hatcheries. All of the details of control and management conferred upon him are filled by the statutes *supra*. It is argued therefrom that he was clothed with delegated legislative power and that the Conservation Commission possesses the like. On the other hand, in addition to the matter we have earlier quoted from the Amendment, it 'vested' the Conservation Commission 'with the administration of the laws pertaining thereto (conservation, etc., enumerated) and with the power to acquire by purchase, gift, eminent domain or otherwise, all property necessary, useful or convenient for the use of the Commission or in the exercise of any of its powers hereunder.' Thus the details were not filled in but were left to the administrative discretion of the Conservation Commission."

Having held that the form and wording of the amendment was proper and an homogenous whole, the court overruled an argument that the amendment violated Article IV, Section 1 of the Constitution, which states that "the legislative powers, subject to the limitations herein contained, shall be vested in the General Assembly . . ."

"This contention overlooks the change resulting from the adoption, in 1908, of the initiative and referendum amendment, Section 57, Article IV of the Constitution. As regards that amendment this court has held that the people in adopting it did not intend merely to confer the grant contained in Section 1; it served the one purpose, to recall all legislative power theretofore granted to the end that the whole power to be granted should be subject to the initiative and referendum. We therefore hold (1) that the authority was delegated by the people to the General Assembly to legislate by enactment, subject to the referendum clause, and to propose constitutional amendments by enactment of joint and concurrent resolutions; (2) that initiative authority in the people was reserved thus: Vesting the legislative authority of the state in

the General Assembly, 'the people reserve to themselves power to propose laws and amendments to the Constitution and to enact or reject same at the polls, independently of the legislative assembly . . .'

"We have not been directed to any provision of the Constitution which expressly or impliedly limits the content of an amendment thereto, save the one which relates to singleness of subject matter . . . With respect to respondent's insistence that said section is violated, it is readily apparent on the face of the amendment that it relates to a single object; and the subjects embraced therein, if several, are germane to the general subject of the amendment . . . And we think it is in harmony, in its nature and its attributes considered in this opinion, with the remainder of the Constitution, even though the (amendment) in its entirety is legislative in its nature . . .

"The reference already made to the power the people reserved to themselves in section 57 of Article IV with the express right to exercise the same without let or hindrance of the General Assembly, will be recalled to mind. This power, a political one, and the exercise of its functions is of the essence of sovereignty which resides in the people. In the Bill of Rights (Sec. 1, Art. 1) as found in the Constitution it is declared 'That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.'

"The fundamental political power referred to above includes, of course, the all-important police power. This latter power finds direct application to the general welfare, which includes the object of the Amendment. It is so applied by the Supreme Court of the United States in *Geer v. Connecticut* (161 U. S. 519), wherein it was held that, a state, in the exercise of its police power, could regulate and control game and fish within the state, not for its own use as proprietor, but as a representative of the people in their united sovereignty.

"The sovereign people having enlisted the Conservation Commission as their constitutional agency to exercise the powers and functions granted in Amendment No. 4, it is not our function to consider or to determine the wisdom, the expediency or the policy to be executed by that body. But we are properly concerned with the questioned validity of the Amendment. *For the reasons announced we find the validity to be absolute.\**

"Further, and in reference to the operative effect of the Amendment, and its contained declaration that it is self-enforcing: It seems clear that there is no incongruity in the situation created by it through rightful and permanent entry into the legislative

\* Italics are the author's, not the Court's.

field, as in the present instance, for the attainment of the Amendment's objective with the harmonious and invited cooperation of the Legislature, so far as may be necessary or helpful, by the latter's future enactment of laws relating to that objective. No doubt should be entertained of the willingness of that body to cooperate with the Conservation Commission in the manner just stated. And the former will doubtless need no reminder that, apart from the Amendment, the Constitution lays upon that body a duty to at least 'pass all such laws as may be necessary to carry all amendments of the Constitution into effect . . .'

"There can be no question but that the Amendment in express terms repealed all existing laws inconsistent therewith . . ."

The Court pointed out, quoting from earlier cases, that "regulation and legislation are not synonymous terms," and that the word "regulation" is interpreted as comprehensive enough to cover the exercise of power over the whole subject to be regulated.

"It will be remembered that in the body of the Amendment the word 'laws' occurs twice and is therein definitely related to the legislature . . . while the word 'regulate' and kindred words are attributed to the administrative power and duty. Also . . . punitive laws or laws fixing punishment as for violations of administrative rules are solely referable to the legislative power and function and, on the other hand, administrative rules may have the force of law in that violations thereof are punishable as public offenses. Hence it follows that unless there be existing statutes that are not inconsistent with the Amendment but which do in effect fix punishment . . . it cannot be said that the Amendment is completely self-enforcing . . .

"However, on casual examination we find a penalty section that obviously has not been repealed. It is section 8311, R.S. 1929, reading as follows:

Any person violating any of the acts prohibited by the fish and game laws of the state of Missouri, a penalty for which is not otherwise specifically provided, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished in the same manner as provided for other acts of misdemeanor under the laws of this state.

"It therefore follows that penalizing and general section 8311 appropriately operates upon all violations of reasonable rules and regulations established by the Conservation Commission . . . The regulation under consideration here is apparently a reasonable one . . . It is also obvious the Amendment is self-enforcing.

"From the foregoing considerations it inevitably follows that the petitioner was unlawfully convicted and is wrongfully being deprived of his liberty by the respondent-sheriff. The petitioner is discharged."

## Chapter VIII

### THE WILDLIFE BIOLOGIST

WITH the advent of non-political wildlife administration in Missouri, a new species began to prowl about the state in increasing numbers. He was the research biologist, who spoke a strange tongue, seeming to mix the language of the farmer and the sportsman with unfamiliar, two-dollar terms like *carrying capacity* and *breeding potential*. He soon began refuting wildlife legend with fact, and expounded new theories that to some seemed highly reasonable, to others, downright disrespectful of tradition and popular belief. Mostly this new creature came young, fresh out of college or perhaps still working on his Master's thesis. So he brought a new enthusiasm and hustle into this conservation business. Inevitably, he was regarded with scepticism by certain oldsters who cited a lifetime of hunting and fishing as proof they possessed all the knowledge really needed to prescribe for the state's wildlife ills.

Of course, the wildlife biologist was known to a small degree in Missouri for years prior to the conservation amendment, working in the state under the U. S. Biological Survey or connected with the University. Additional jobs for the new profession were provided beginning in 1933, when acquisition of national forest areas started in the Ozarks and the emergency conservation programs of President Roosevelt's New Deal commenced unfolding.

The teaching of wildlife conservation at the University of Missouri started in 1931 when a student named Nagel approached the chairman of the zoology department and asked for such training. Vaguely designated "Special Studies" and supervised by Dr. Rudolf Bennett, creation of a new course got under way, teacher and students trying to apply the rules and methods of science to the study of wild creatures. In 1932 there were three students; by 1936, seven or eight.

Without a doubt, the statewide survey of resident game and furbearers conducted by Rudolf Bennett and W. O. Nagel in 1934-35 was one of the most important scientific achievements in Missouri wildlife history. Published April 1, 1937, as a University of Missouri research report, the survey provided the first comprehensive picture of game conditions in the state and secured basic information which has served as a starting point for many subsequent research undertakings.

According to the published report, the survey was undertaken at the instance of Wilbur C. Buford, then state game and fish

commissioner. Buford secured a grant of federal Emergency Conservation Works funds from the state parks division of the National Park Service for the employment of two wildlife technicians to conduct a game survey of the state. Dr. Bennett, an associate professor of zoology, was granted a sabbatical leave of absence by the University for the project. Nagel recently had received a Master's degree in education at the University, with a major in biology emphasizing wildlife management.

The two investigators began their field work in the summer of 1934, Bennett covering the southern half of the state, Nagel the north. They completed it the following May. Funds for publication of the report were contributed by four St. Louis sportsmen, Samuel C. Davis, Louis H. Egan, Edward K. Love and Horton Watkins.

#### The Cooperative Research Unit

In 1935 Congress appropriated funds to the Bureau of Biological Survey (later the Fish and Wildlife Service) for the purpose of establishing cooperative wildlife research stations at ten land-grant colleges. They were to be located in as many zoogeographic regions of the nation. Because of the presence of such capable leaders as Rudolf Bennett and the existence of adequate laboratory facilities in a new wildlife building on the campus, the University of Missouri was selected for one of the original ten stations.

Purpose of the research unit program, as conceived in Washington by a group of men that included former U. S. Senator Harry B. Hawes of Missouri, was two-fold: (1) There was a growing demand for scientists in wildlife management; the units were to train men for the up-and-coming profession. (2) The most basic information needed for an intelligent approach to game and fish restoration was sadly lacking; the units were to start digging up the facts and making them available to government agencies and private citizens alike.

In a letter dated March 10, 1947—written about three years before his death—Rudolf Bennett told the author that establishment of the Research Unit at the University of Missouri was “largely the work of two men: Dr. W. C. Curtis, who saw in it possibilities for service by the University that very few of his colleagues saw at the time; and Mr. (E. Sydney) Stephens, who saw in the establishment of a research program here the most effective type of research organization from the standpoint of the Commission.” Dr. Curtis was chairman of the University's department of zoology.

One of the first official acts of the Conservation Commission was to inform the federal government of its' readiness to put up

its share of the cost of the unit program. Under the original plan, which is still followed, the annual cost was to be shared equally by (1) the University, part of whose contribution was the building and facilities; (2) the State Conservation Commission, which put up \$6,000 in cash; and (3) the federal government, which has been aided by contributions from the Wildlife Management Institute, a non-government organization. Thus guaranteed an initial working budget of \$18,000, the Missouri Cooperative Wildlife Research Unit was officially established and began operations in November, 1937, with Dr. Bennett serving as chairman of the administrative committee.

The teaching staff in 1937 included two trained biologists, in addition to Dr. Bennett. With the help of his older students, Bennett wrote a text on "The Principles of Wildlife Conservation." Formal courses were organized, including a correspondence course, and the training program rapidly expanded.

About this time also a University Wildlife Council was set up. This was established partly as an advisory body to the Research Unit, but also, according to Nagel, "in recognition of the growing importance of wildlife conservation and its potential application to many departments of the University." Membership of the council, expressing this interest, included the respective deans of the Colleges of Agriculture and Arts and Science, the chairman of the botany department and the chairman of the Research Unit's administrative committee.

By 1950 the Missouri unit's fiscal budget had grown to \$50,000, with a fourth participant in the cost—the Edward K. Love Wildlife Conservation Foundation. During the 1950-51 school year, 23 graduate students and 54 undergraduates received wildlife training at the Unit. In addition to student training, Unit personnel conducted basic research in many fields relating to both game and fisheries.

#### The Love Foundation

Edward K. Love of St. Louis liked to say he owed his long and vigorous life to the health-giving recreation afforded him by Missouri's hills and streams. He not only headed the Federation's successful drive for funds during the campaign for Proposition No. 4, he was one of the four largest individual contributors. Then when the going got hot and the Federation needed more money in a hurry, he wrote out another check. As noted earlier in this chapter, he helped pay the publication costs of the influential Bennett-Nagel survey report. When Director Bode's appointment was challenged in the courts (see Chapter VII), it was Mr. Love who arranged for the underwriting of Bode's salary.

In 1938, Mr. Love hit upon another magnanimous means of

expressing his appreciation for the out-of-doors and his enthusiasm for the nonpolitical wildlife program which he had helped bring about. He donated \$100,000 of his personal fortune to create a Wildlife Conservation Foundation, income from which was to be administered by a Board of Governors in helping protect and conserve wildlife in the state of Missouri.

The Love Foundation funds have been used largely to provide awards to 4-H clubs and Future Farmers of America chapters for conservation activities, and scholarships to boys and girls showing particular interest and aptitude in conservation. As noted above, some aid has been given to the Cooperative Wildlife Research Unit. Five of the graduate students in wildlife management at the University in 1951 were assisted by Love Foundation fellowships.

#### The Pittman-Robertson Program

Expansion of research activities was bound to come in Missouri eventually, as it did elsewhere in the nation, as a result of federal funds made available by act of Congress. But in the non-political climate created by the Missouri voters in 1936, the research biologist flourished as in few other states. In 1937 Congress passed the Pittman-Robertson Act earmarking receipts from an excise tax on sporting arms and ammunition for a program of federal aid to the states in wildlife restoration. Under the law the federal grants could be used for research, for acquisition of game lands, and for development of game lands and game habitats. The states were required to put up one-fourth of the cost of each project. The Missouri Commission, anxious to build its program on a solid scientific foundation, put most of this money into research during the early years.

The Commission hired five field biologists when the first federal-aid apportionment of approximately \$20,000 became available in 1938. Given regional assignments, the five biologists, or so-called "project leaders," were told to discover and test practical game-management measures which could be applied in connection with regular farming operations. For purposes of the experiments, a number of demonstration areas were set up throughout the state in cooperation with groups of farmers. From the trial-and-error experience of this early project eventually came a farm-pond program that sold like hot-cakes, a soil-wildlife concept on which to base all management, a multiflora rose fence, and other practical devices for improving game habitat.

Pittman-Robertson funds increased steadily until World War II shortages temporarily pinched down on sales of guns and ammunition. When the Japanese attacked Pearl Harbor (1941), the Commission's federal-aid staff of project leaders and research

biologists had climbed to 17 men. Most of these had received their wildlife degrees or done graduate work at the University of Missouri; the Cooperative Wildlife Research Unit was fulfilling one of its functions—that of supplying trained men for the expanding conservation program. Several of these men eventually were promoted to supervisory or administrative positions on the Commission's regular game section staff.

A boom in sportsman-buying following the war sky-rocketed Pittman-Robertson funds, a largess shared by all other states, of course, as well as Missouri. In fiscal year 1951-52, after scare-buying as a result of the Korean conflict carried P-R receipts to an all-time record, the Missouri apportionment was \$425,156. By this time the Missouri investment in research had leveled off. Only about 15 per cent of the federal-aid funds were going for investigations. The balance was being spent for acquisition of refuge areas and game lands, some of which have afforded public shooting; for development and cover-restoration projects; and for maintenance of established areas.

By 1940 the Commission had expanded the investigative projects of its Pittman-Robertson program under three general goals:

1. To determine the past, present and probable future populations of game species.
2. To discover the incentives needed to induce land owners to adopt wildlife management practices (a continuation of the original project).
3. To develop a state-wide plan of management for each species of wild game native to the state.

#### Wildlife and the Soil

Development of the wildlife-from-the-land concept has been an interesting and significant feature of the research program. Inspired by the philosophy of Leopold and others on patterns of game distribution and by the discoveries and teachings of Dr. William A. Albrecht, noted soils scientist of the University of Missouri, regarding effects of soil quality on domestic animal welfare, the game researchers explored the idea that wildlife populations could be explained on the basis of soil fertility and land-use. They proved that raccoons, rabbits, quail and other game grow larger and healthier on fertile soil types; that quail and rabbits are more numerous on medium soils only because the fertile regions are farmed so hard there's little wildlife cover left. They explained why wild turkeys are found in some Ozark forest ranges and not in others that, to the casual eye, look just the same. They showed that wild game increased on farms where fertility was built up—other factors being equal—and that high quality wildlife populations decline or change when the soil

erodes. The basic reason behind all this, of course, is that the fertile soils produce plants richer in minerals, vitamins and the other nutrients upon which animal life depends.

These discoveries upset several popular notions held by Missouri lay-conservationists, among them the idea that it was useless to try to increase game in the hard-farmed northwestern counties because that part of the state was "just naturally not good game country." The technicians declared that just as northwestern Missouri produces bumper crops of corn and cattle, it could also produce good crops of farm game—and they set about devising methods for getting more quail cover on the farms.

The Missouri technicians made no new discovery. Biologists for years had been teaching that all life, including human life, depends on the soil, and that restoration of wildlife must begin with soil conservation. Missouri biologists carried the theory one step further, however, by making intensive studies to reveal the nature of these relationships and making specific management recommendations in accordance with their findings. The Missouri Conservation Commission can claim one of the first field programs in the nation based on that concept. It was one of the first that had the courage, and the facts, to tell hunters and fishermen that most artificial propagation is a waste of money, and to abandon quail hatcheries and turkey farms.

"The only permanent way to increase wild game is to improve the environment," sportsmen were told. "If the land is suitable, or is made suitable, and if land-use permits the existence of proper habitat, wild game will thrive; if these conditions do not prevail, no amount of artificial stocking will do any good."

Eventually these soil-wildlife relationship discoveries were to lead to new game-management techniques such as:

**Example 1.** Heavy applications of fertilizer on food patches to increase deer and turkey reproduction in Ozark refuges—well nourished does bear more twins; healthy hens lay more fertile eggs.

**Example 2.** Fertilized food patches to prevent deer damage to farm crops—the deer prefer to browse on the fertile plots, ignore the gardens and orchards of hill farmers.

#### The Dingell-Johnson Program

Fisheries research was expanded in fiscal year 1951-52 when the first allotment of federal aid funds under the new Dingell-Johnson law became available. Passed by Congress in 1950, this law was modeled after the successful Pittman-Robertson Act. Funds were derived from a federal excise tax on sport fishing tackle. Missouri's share the first year was \$80,830.55, which had to be matched, of course, by \$26,943.52 in state funds. As under

the federal-aid game program, the Dingell-Johnson funds could be expended for three general types of projects: (1) Acquisition, (2) development, and (3) research.

The first project inaugurated under this program was a broad investigative program including a statewide creel census and inventory of the fisheries resource; special stream population studies; an appraisal of the results of smallmouth bass restocking; growth-rate research in the White and Salt rivers; an investigation of the feasibility of rearing and stocking adult black bass, and other studies. The creel census and inventory were a continuation of work which had been carried on for several years by the Commission's technicians.

## Chapter IX

### ATTEMPTS TO REPEAL THE AMENDMENT

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**A**S A statewide organization, the Restoration and Conservation Federation of Missouri practically fell apart in the months immediately following the adoption of the amendment. The original Federation was primarily a campaign organization. Except in the larger cities and a dozen or so counties which previously had active sportsmen's clubs, there was no hard core of local organization to carry on after the election. For understandable reasons there was a feeling among the rank and file of the campaign workers that their job was done. Upon his appointment to the Commission, Stephens resigned as president, leaving the Federation under the direction of an executive committee headed by Vice-President Roland Hoerr.

Among the leaders there was an insistent feeling that the work of the organization was far from finished. "We must make the Federation permanent," wrote Hoerr to Ted Butler of Springfield early in 1937, "and we must carry on for a period of at least five years after the Commission is appointed to be certain that our program is carried through."

First steps to perfect a permanent organization were taken in August, 1937, with the selection of Butler and Willard ("Dutch") Dean of Sedalia as "organizers" to cover the southern and northern halves of the state respectively. Butler was an aggressive young insurance salesman whose devotion to the cause was sufficient to prompt him, throughout the campaign for Proposition No. 4, to give about three-fourths of his time to conservation, about one-fourth to his personal business. Dutch Dean, member of a prominent Pettis County family, was a persuasive individual of similar devotion. Money was raised, again largely in St. Louis and Kansas City, to finance their travels.

Butler and Dean went into almost every county of the state organizing local chapters or urging existing clubs to join the movement for permanent organization. During this period the Federation's office was maintained at Columbia under the direction of Reed Frisbie. Membership fees of \$1 per capita were collected from the county units.

Roland Hoerr called a statewide meeting of county delegates at Jefferson City Jan. 18, 1938. Despite the winter date, the attendance filled the chamber of the House of Representatives in the Capitol building. The assembly elected a board of directors consisting of one member from each state senatorial district,

adopted by-laws, and authorized the Board to choose officers of the Federation. The Board also was instructed to proceed with legal incorporation of the organization, dropping the word "Restoration" from the title, to hire an executive secretary as early as practicable, and to consider establishing an official Federation magazine.

The new board met Feb. 8 and elected the following officers: President, J. T. Montgomery, Sedalia; vice-president, Edward K. Love, St. Louis; secretary-treasurer, Lon S. Haymes, Springfield. At another meeting May 21, 1937, the board appointed Ted Butler as executive secretary and the executive office was established at Springfield. Willard Dean was retained temporarily as organizer-assistant. Incorporation of the Federation was completed by pro-forma decree in the Circuit Court of Cole County on March 6, 1938.

The projected publication was longer in coming. Finally the Jackson County chapter offered to start a monthly magazine and finance it locally until it could be taken over by the statewide organization. Volume 1, No. 1, entitled "The Conservationist," appeared under date of July 1938 with Robert W. Lord as editor. A cover statement by Dr. Irwin S. Brown, chapter president, announced the "hope that this shall be the forerunner of a statewide publication by the Federation."

Coincidentally, the Commission at the same time started a quarterly publication entitled "The Missouri Conservationist." To solve the mix-up over titles, the Kansas City publication was changed to "The Conservation Federation of Missouri Official Publication." Later this was changed to *Missouri Wildlife*, which has remained the name of the Federation's official organ to this day. The magazine was published in Kansas City, first under the editorship of Allen Quinn, later Harry L. McDonald, until June 1940, when the office of publication was transferred to St. Louis and the St. Louis district chapter assumed responsibility for the publication. Eventually *Missouri Wildlife* was changed from a monthly to a quarterly and in later years it became the practice for the executive secretary of the Federation to double as editor of the magazine.

If members of the reorganized Federation harbored questions regarding future functions of the organization, the answers were not long in coming. As early as July, 1938, one year after appointment of the first Commission, the Federation magazine warned editorially:

"One particularly bitter foe has plans for introducing a resolution proposing repeal of Amendment No. 4 to throw our wildlife administration back to the political wolves. The fight by politics is not yet over. It still brews and gives every indication that it

will break out in full force when the State Legislature meets next January."

#### Spearman and Quinn

One of the first proposals to hit the hopper of the 60th General Assembly in 1939 was a joint and concurrent resolution by Representative Fred Spearman, a Miller County farmer, calling for a popular vote to repeal the conservation amendment. State Senator William Quinn of Lewis County introduced a bill to repeal the fish and game statutes formerly enacted by the legislature. Effect of the Quinn bill would have been to leave the Commission without the statutory penalty sections upon which it depended for enforcement of its own regulations.

Thus began a series of Spearman resolutions and Quinn bills which were to plague the Commission and its supporters through four sessions of the legislature.

There is plenty of evidence that the orthodox politicians of both parties were reluctant to give up the patronage of the Game and Fish Department. Certainly party politics, of the old-fashioned, garden variety, had a lot to do with nearly every legislative and initiative attack leveled at the Commission in the early years. But politics alone doesn't explain all the support mustered for such measures in the Legislature. Spearman himself seemed to express a feeling shared by a number of legislators, both Republicans and Democrats, that passage of Proposition No. 4 in 1936 constituted a direct slap at the integrity of the Legislature. Spearman and his strong supporters seemed to consider the amendment a personal affront, and their resentment was personified in the Commission and its staff. Other sincere solons cast a dubious eye at all Commissions and Boards with quasi-legislative functions. In their minds, such agencies were a dangerous departure from classic governmental structure.

Some of the support for the repealer proposals undoubtedly stemmed from the people themselves—"the boys in the barbershop and at the forks of the creek." The high-powered staff being assembled by the Commission was not readily accepted by all hunters and fishermen. The experts, beginning with Bode and Clark, were challenged first as foreigners and next as impractical theorists. And then there was a segment of the public, becoming a majority in some Ozark counties, that for reasons explicable only in sociology, opposed any regulation of hunting and fishing. Some of the hill people had depended for generations upon wildlife as a source of food. A sturdy, God-fearing type, they frankly resented the game warden, whether he was a political appointee or got his job by passing a stiff examination. They could not put it into words, perhaps, but a law telling them when they could not fish, and what methods they may not use, was to them an en-

croachment upon personal liberty. The attitude of certain members of the Missouri Legislature toward conservation laws can be understood, even today, only by recognizing them as representatives of these people.

The Conservation Commission, Spearman asserted, had been arbitrary and autocratic in its actions. It had the effrontery, he declared, to set aside or ignore acts of the Legislature. The answer to these charges was delivered by spokesmen for the Federation: The Commission had not repealed acts of the Legislature; that had been done by the people when they adopted the conservation amendment.

The Federation's magazine sounded a "call to arms." Ted Butler began a series of war bulletins from his office in Springfield. The newly reorganized sportsmen had a cause! They swung into action with a zest. By the time of the Federation's second annual convention, held in Columbia March 30-31, 1939, the delegates knew they had the immediate battle won. "I believe it was the greatest flood of protest ever to descend upon a legislature," reported Lon Haymes. "We're sure we have both the Spearman and Quinn bills defeated. That shows what the Federation can do."

Wilbur Buford, whose appointment to the Commission had been viewed darkly by many Federation members, fearing political skulduggery, also reported on the legislative battle. Speaking before the convention, he told the story this way:

"I was walking in the Capitol one day last February when I was nearly knocked down by newspapermen rushing out of the doors of the House of Representatives. I asked them what the hurry was all about. They told me a resolution had been introduced to bring about repeal of Amendment No. 4.

"I investigated and found that it was true. I called Mr. Bode and told him. After a while Mr. Stephens came over from Columbia and we had a meeting. We decided the Commission should do nothing about it. It was a job to be turned over to the Federation.

"In the next ten days considerable support for the resolution developed in both houses of the Legislature.

"Then something happened. You could hardly find a member who would confess that he had been for it. You couldn't find a member of the Game and Fish Committee who would admit he had voted to send the Resolution out onto the floor of the House.

"I have been in politics all my life, but the pressure that was brought to bear on the Legislature against the resolution was the most tremendous I ever have seen.

"Gentlemen, I want to thank the Federation for that job."

When the Spearman resolution was called up for perfection in the House, it was tabled. The Quinn bill expired quietly in the Senate.

#### The Election Test of 1940

A new group of dissenters came on the scene in 1940, consisting of groups and individuals aggrieved by the Commission's new Wildlife and Forestry Code. With a general election coming up, the dissenters turned not unexpectedly to the same route by which the Conservation Commission came into being—the initiative petition. By spring at least three separate petitions were being circulated calling for repeal or modification of the conservation amendment.

First in the field was a group calling themselves the "Farmer's and Sportsmen's Alliance" and headed by W. C. Cain, Sedalia hardware merchant and owner of a resort on the Lake of the Ozarks. Obviously financed by fellow operators of lake establishments, Cain's organization centered its complaints on new fishing restrictions which they declared were costing them 25 per cent of their annual revenue. Particularly obnoxious was closure of the former winter fishing season. Cain's proposed amendment called for outright repeal of the Conservation Commission.

Two undermining proposals were started via the petition route by A. L. McCawley, acting as manager for a group called the "Missouri Volunteers," whose shadowy members or supporters were never identified. McCawley, a former state senator from Carthage, Mo., had become known as a professional sponsor of initiative proposals. In 1938 he had directed the circulation of petitions for a collection of miscellaneous proposals of little merit and was accused of working in cahoots with beneficiaries of public-printing patronage. State law required all initiative or referendum proposals going on the ballot to be printed in full in at least one newspaper in every county.

Whether or not the printing gravy-train was the hidden objective of the conservation proposal finally put on the ballot through McCawley's efforts, the nature of the document lent credence to the suspicion. It proposed repeal of the entire Wildlife and Forestry Code promulgated by the Commission, and enactment instead of the entire body of statutory law relating to fish and game that existed on the books in 1936. As the petitions were drawn, the proposal required the printing in full of all the Commission regulations. The total printing bill, according to the St. Louis Post-Dispatch, was in excess of \$75,000. It was estimated that it cost the McCawley organization at least ten cents per name to secure the 46,000 signatures required for a valid initiative proposal, as the petitions were circulated by paid workers. The source of his financial backing also remained a mystery, although the

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Post-Dispatch pointed an editorial finger of suspicion at rural newspapers, who shared the public-printing patronage.

McCawley succeeded with only one of his petitions, the one described above. Certified by Secretary of State Dwight H. Brown, it appeared on the ballot for the general election of 1940 in the following form:

**PROPOSITION NO. 5**

(Submitted by Initiative Petition)

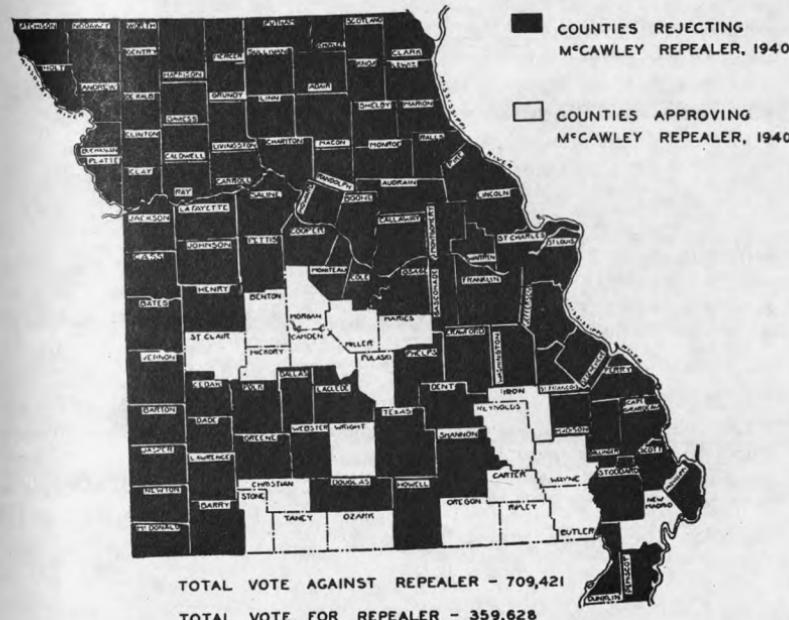
A proposition to repeal the wildlife and forestry code and all laws and regulations ordained and established by the Conservation Commission, created by Constitutional Amendment No. 4 (adopted by the people of Missouri at the general election in 1936), and enacting in lieu thereof the fish and game laws of the State of Missouri as they existed on and prior to June 30, 1936.

YES

NO

Mr. Cain's Farmer's and Sportsmen's Alliance dropped its own repealer as soon as it became clear—in July, 1940—that the McCawley proposition was going on the ballot. Thus the lines were drawn for a test at the polls of the popularity of the Conservation Commission and its program.

The McCawley proposal itself did not present a clear-cut issue, and grave doubts arose as to its constitutionality. It was not a



proposed amendment seeking outright repeal of the conservation amendment. If approved by the voters, it would have presented a situation of almost impossible confusion, leaving the Conservation Commission on the books but establishing by initiative law the former political game and fish department. President J. T. Montgomery of the Federation, himself a lawyer of recognized ability, wrote to Secretary of State Brown suggesting that Brown refuse to certify the McCawley proposition on grounds of unconstitutionality. This action, Montgomery pointed out, would force McCawley to sue for writ of mandamus against Brown, thus throwing the question into the Supreme Court. Brown, however, replied that previous court decisions made it clear he could exercise no discretion in the matter, that he was bound by law to certify the proposition for the November ballot.

With the Conservation Federation of Missouri leading the fight, six other statewide organizations joined in denunciation of the McCawley plan. These included the two powerful statewide farm organizations, the Missouri Farmers Association and the Farm Bureau Federation, also the American Legion, the Federation of Garden Clubs, the Federation of Women's Clubs, and the Audubon Society. Several independent sportsmen's groups also rallied against the proposal.

Many of the successful campaign techniques of 1936 were repeated. A Federation war chest was raised, largely through the efforts of the same leaders who solicited contributions in 1936. Literature defending the Commission and automobile stickers urging defeat of Proposition No. 5 were printed and distributed wholesale by Federation members. Chapters sponsored advertisements in local newspapers, and finally put workers in the field rounding up voters on election day. Federation leaders made appeals over radio stations in the principal cities.

The opposing candidates for governor, Forrest Donnell, Republican, and Lawrence McDaniel, Democrat, both issued statements endorsing the conservation amendment and pledging themselves to uphold its non-political spirit. Retiring Governor Stark made known his personal opposition to any tampering with the Commission.

The McCawley proposal was snowed under. Its defeat by 709,421 votes to 359,628 was almost as great as the victory for the amendment in 1936. Approval of the Commission by counties was even greater, only 21, all in southern Missouri, registering majorities in favor of the McCawley scheme. In 1936, twenty-nine of the 114 counties had shown majorities against the amendment.

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## Chapter X

### THE COMMISSION AND THE LEGISLATURE

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IN THE sixteen years since the conservation amendment went into effect, the Missouri legislature has been the sounding board for many oratorial tirades, and the scene of some political conniving, against the Conservation Commission. This has led to an impression by some, and occasionally expressed by newspaper writers covering the Jefferson City scene, that the Legislature has been generally antagonistic to the Commission. The record shows, however, that Missouri's legislative body not only has consistently defended non-political wildlife administration, but has supported the conservation program with positive legislation on more than one occasion.

Despite the overwhelming defeat of the McCawley proposal at the polls in 1940, the familiar legislative gadflies of the Commission, Representative Spearman and Senator Quinn, bounced back in 1941 with their biennial attacks. Again the Spearman resolution for repeal of the conservation amendment never got past the House of Representatives. It was, however, approved upon perfection in the House by a vote of 68 to 33. Whereupon, according to *Missouri Wildlife*, "A war bulletin was sent to every Federation Chapter by Executive Secretary Ted Butler, who was on the battleground in Jefferson City. As a result, telegrams, letters and personal calls were made to Representatives by our members in order to explain to them the merits of our cause. The result was worth it."

When called for final passage, 64 members of the House voted for the Spearman resolution, twelve fewer than the outright majority required for passage. On this ballot 56 representatives voted against it.

The Quinn bill, attempting to embarrass the Commission by repealing the penalty clauses of the old fish and game statutes, was throttled in Senate committee.

Again in 1943 the Spearman resolution bobbed up, this time co-sponsored by Representatives Charles Farrar of Dallas County and Otho J. Smith of McDonald County. Once again, almost wearily, the leadership of the Conservation Federation alerted the chapters and other supporters of the program. Again the familiar methods were employed to remind the legislators that the folks back home—the voters—didn't want the non-political Commission tampered with. The resolution was defeated as usual when brought up for a vote in the House.

### The Wildlife Act of 1946

Senator Quinn for some reason let the 1943 session ride by, but reintroduced his favorite bill in 1945. It was hardly taken seriously. The 63rd General Assembly, in a long session extending through 234 legislative days well into 1946, had the task of revising Missouri statutes to conform to the new State constitution which went into effect March 30, 1945. Under the sponsorship of the majority leadership in both House and Senate, and with strong coalition backing in both houses, a bill was passed sweeping away the outmoded game and fish statutes and replacing them with 27 new sections specifically drawn to aid and strengthen the hand of the Conservation Commission.

Despite the Supreme Court ruling (*Marsh v. Bartlett*) upholding the Commission's authority to make regulations having the force of law, a few prosecuting attorneys and courts in the state remained confused as to the relation of the old statutes to Commission rules. Some few clung to the theory that, having been enacted prior to the constitutional amendment, the old penalty sections could not apply to regulations passed by the Commission. Under the Wildlife Act of 1946 there could be no doubt. Significant were Sections 17, 26, and 27, reprinted here in their own easily understood language:

**"Section 17. Any person who shall have in his possession or under his control any wildlife, except in the manner, to the extent and at the time or times permitted by the provisions of this Act and the rules and regulations of the Commission, shall be deemed guilty of a misdemeanor; and any agent of the Commission, and any sheriff or marshal or deputy thereof is hereby permitted and authorized to take and confiscate any such wildlife from any person so possessing or controlling the same."**

**"Section 26. No wildlife shall be pursued, taken, killed, possessed or disposed of except in the manner, to the extent and at the time or times permitted by such rules and regulations; and any pursuit, taking, killing, possession or disposition thereof, except as permitted by such rules and regulations, are hereby prohibited. Any person violating this section shall be guilty of a misdemeanor."**

**"Section 27. Any person violating any of the provisions of this Act wherein other specific punishment is not provided, and any person violating any of such rules and regulations relating to wildlife, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding three months or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment."**

Authority of the Wildlife Conservation Agent was clearly defined in other sections which declared any authorized agent of the Commission may arrest without warrant any person caught

violating, or who he has good reason to believe has violated the regulations. Conservation agents were given the same power to serve criminal process as sheriffs and marshals. It was made a specific duty of peace officers and prosecuting attorneys to aid in enforcing Commission regulations. Duties of magistrates and court officials were set out.

Another section authorized Conservation Agents and other peace officers to search without warrant "any creel, container, game bag, hunting coat or boat in which he has reason to believe wildlife is unlawfully possessed or concealed." This section also provided for search warrants to be issued for the search of "any occupied dwelling and out-buildings adjacent thereto, cold storage locker plant, motor vehicle, or sealed freight or express car" where illegal game is believed hidden.

Holders of hunting or fishing permits were required to submit the permit for inspection by an Agent or peace officer. Re-enacted in clarified form were the old statutes (1) making it a felony to use explosives or chemical preparations in taking fish; (2) relating to the obstructing of free passage of fish; (3) requiring construction of fishways or hatcheries in connection with dams; (4) regarding the solicitation of illegal shipments of wildlife; (5) providing for inspection of wildlife in transportation or storage; and (6) pertaining to trespass by hunters, fishermen or trappers.

The prior statute giving consent of the State of Missouri to acquisition of lands and waters by the federal government for migratory bird reservations was re-enacted with one important addition: Such acquisition was made subject to the approval of the Conservation Commission.

The old section vesting title to and ownership of all wildlife in the state was clarified and strengthened, with wildlife broadly defined as "all wild birds, mammals, fish and other aquatic and amphibious forms, and all other wild animals, regardless of classification, whether resident, migratory or imported, protected or unprotected, dead or alive; and shall extend to and include any and every part of any individual species of wildlife."

This modernized Wildlife Act became effective July 1, 1946, and was hailed by Director Bode as "another milestone of progress" in Missouri conservation history.

The 63rd General Assembly also was author of Missouri's modern forest cropland law, which will be discussed in a later chapter, and passed the first general revenue appropriation for forestry purposes. Previously fire control and other phases of state forestry had been financed entirely by the Commission from hunting and fishing permit revenues, aided by certain federal funds.

Fred Spearman was not returned to the Legislature by Miller County voters in 1944, but in 1948 his role as chief legislative critic of the Conservation Commission was assumed by a rough-and-tumble Pulaski County lawyer named Tom Shockley. Shockley introduced a proposed constitutional amendment which would have kept the four-member Commission intact as a body, but returned wildlife regulation and control over conservation funds to the legislature.

Opposition to the Shockley bill was marshaled by the Federation and a potent new ally, the United Sportsmen's League of St. Louis. So many defenders of the Commission turned out for a committee hearing on the measure, the session had to be held in the House chamber. Despite an overwhelming show of opposition, the committee approved the resolution by what was reported to have been a narrow margin.

As in previous legislative attacks upon the Commission, the Missouri press joined almost unanimously in denouncing the Shockley proposal. The St. Louis Post-Dispatch labeled the measure the "meat-hound bill," and in a cartoon ludicrously portrayed its proponents on four legs baying at the non-political conservation sanctuary.

On perfection the resolution carried by a narrow margin. When called up later by Shockley for final passage, it was soundly beaten in the House by a vote of 84 nays to 46 ayes, with 24 representatives absent or not voting. This was a more convincing defeat than any of the trouncings handed the similar Spearman proposals.

The seeming mystery of why bills ultimately slated for defeat may be approved tentatively at perfection, the stage at which amendments are considered, can be explained by the fact that during a session the members build up a series of obligations to their colleagues. Shockley, an able legislator, was a member of important committees and his support had been sought by many members in connection with other bills. When they voted in favor of the "meat-hound bill" on perfection, they considered their obligation paid off. The final vote more nearly reflected their convictions and the will of their constituents.

The constitution earmarks for the Conservation Commission all revenues from wildlife administration and state forests, and the funds are held in the state treasury and disbursed according to regular routine. Legal advisers have expressed the opinion that the Commission has the authority to spend this money without the formality of a legislative appropriation. In practice, however, the Commission has never tested this principle but, in company with all other state departments and bureaus, has presented its budget through the governor and requested an appropriation

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biennially. This fact has been used by critical legislators in some sessions as a means of harassing, or applying pressure on, the Commission. In the session of 1943, for example, the House voted to divert \$113,000 from the Conservation fund to the State Park Board, an action so clearly unconstitutional the leaders of this move must have been aware of it. The apparent oversight was corrected before final passage.

Basing its budget for the 1943-44 fiscal year on receipts of the previous year plus a carryover in the conservation fund, the Commission requested an appropriation of \$1,653,000. The House cut the request to \$1,400,000. The Senate appropriations committee, on the guise of wartime retrenchment, slashed the amount further to \$1,000,000. This would have left more than a half-million dollars unavailable in the conservation fund. Members of the Commission and outside supporters were required to do considerable explaining to committees before the full amount was restored.

When the Commission in 1946 sought the first appropriation for forestry from the state's general revenue fund, it laid itself open to subtle pressures from the legislature. These pressures came from individual members of the General Assembly in the form of requests for favorable consideration of certain job applicants. One such request, advanced through an outside "friend," was accompanied by an offer of speedy legislative approval of the full appropriation should the job be secured. The Commission chairman's reply, related to this writer by the "friend" who advanced the proposition, was: "I would not stultify myself with such a deal!" This incident is related here merely to illustrate the difficulties involved in hewing to the line of strictly non-political, merit selection of personnel.

Other bills, mostly of minor importance, have been introduced in various sessions of the legislature which, if passed, would have invaded the wildlife field or imposed certain restrictions upon the Commission. Senator Quinn's biennial bill to repeal the penalty sections usually was accompanied by another Quinn proposal to require any person carrying a firearm to obtain the written consent of the landowner before entering his premises. In 1949 Charles T. Wolf of Ste. Genevieve County sponsored a bill amending the 1946 statutory definition of wildlife to exclude fish in privately-owned ponds. Mr. Wolf's stated purpose was to prevent the Commission from regulating farm-pond fishing, but it also would have barred the Commission from cooperating with farmers in pond fish stocking and management. The Wolf bill, of doubtful constitutionality, passed the House but received no consideration in the Senate.

During this same 1949 session the House of Representatives,

after many hours of debate on the sins and virtues of the fox, adopted a resolution urging the Commission to relax protection of the species. This measure, sponsored by Rep. F. E. Robinson of Knox County, was entirely proper under the Constitution. It was one of the expressions of opinion, official and public, considered by the Commission when, in 1950, it did liberalize the regulations, particularly with regard to procedures by which farmers could dispose of foxes in protection of their property.

#### The Cance Pool Incident

Perhaps the outstanding instance of outright political sniping at the Commission was completely disassociated from the legislature. Late in July, 1947, Governor Phil M. Donnelly announced the appointment of former U. S. Senator Frank P. Briggs of Macon and Dru Pippin of Waynesville to succeed E. Sydney Stephens and Owen Turnbull of Troy as Democratic members of the Commission. Coincidentally, Cance Pool, publicity director at Democratic state headquarters in Jefferson City, began a series of press releases criticizing the Commission and aimed particularly at the administration of Director Bode.

Calling Bode an "Iowa Republican," the initial Pool attack accused the conservation director of ruling the department "in a high-handed manner, indulging in favoritism, especially in behalf of members of his own party."

"Fish and game are scarce in Missouri as never before," the Pool release stated. "Sportsmen are frank to admit that many of the policies and practices of the state commission have brought about this undesirable condition."

Gene Powell, Pool's counterpart at Republican state headquarters, leaped into the fray with a statement accusing the Democrats of trying to take over the non-political department.

Timed as it was, the Pool attack proved embarrassing to the two new appointees, creating the public impression that they may have been parties to a partisan plot to dismiss Bode and reorganize the departments. Governor Donnelly promptly issued a blistering statement denying partisan motive in the appointment of Briggs and Pippin, deplored the Pool statement and rapping the knuckles of both Democratic and Republican publicity writers.

Pool continued, however, to release critical weekly statements for about two months. Earlier in 1947 the Commission had discharged the chief of its protection division for lack of cooperation in the educational and research activities of the department. Ousted with the chief were a few other conservation agents who were judged guilty of insubordination. At the same time the Commission was engaged in a controversy with a group of St. Louis sportsmen over the merits and demerits of game farms

and quail restocking. Rumors and recriminatory feelings resulting from these incidents are believed to have reached Pool's ears and prompted some of his accusations. Among his later charges, Pool asserted that just before their terms expired, Stephens and Turnbull collaborated with the holdover Commissioners to raise the salaries of Bode and other favored employees out of proportion to other state salaries. The two hold-over Commissioners, Pool alleged in one release, had been "dominated by Bode for years."

Bode asked the Commission for an immediate "sweeping and searching investigation" of the department "in view of the welter of rumors and assaults relating to my administration as director." He requested the investigation be conducted in the open and that the public and the press be invited. When the Commission accepted Bode's challenge, Pool cried "Whitewash!"

Alarmed by the uproar, the board of directors of the Federation met at Jefferson City Oct. 2 and unanimously voted a resolution "welcoming the proposed investigation" and adopting "an open mind toward it." The board called upon all Federation chapters and cooperating groups to attend the investigation and take part in it. In a letter addressed to Frank W. Hayes, Sedalia lawyer and chairman of the Democratic State Committee, President Dean W. Davis of the Federation declared:

"If recent public charges of partisanship within the Commission, mal-administration and mismanagement of wildlife resources are true, we (the Federation) demand the full facts be found and made public. If such charges are groundless, we demand they be exposed in their falsity.

"The investigation cannot fail to succeed if the individuals and parties who have made complaints and accusations against the Commission and its personnel—including those who have attempted to pre-judge the inquiry as whitewash—give their full cooperation to the investigation. If the charges and accusations are presented in open investigation, with the supporting facts and proof of the facts, before the public and the press, a 'whitewash' will be impossible. The public itself will render the verdict.

"The Conservation Federation of Missouri, therefore, in the public interest, demands that the Democratic State Committee order its publicity director, Mr. Cance Pool, to appear in person before the Commission with supporting proof of allegations and charges publicly made by Mr. Pool's office."

The investigation was conducted October 13-14 by Commissioners R. A. Brown, Jr., Edward K. Love, Briggs and Pippin in the House chamber of the state capitol building. A parade of witnesses denied the Pool accusations and testified that the Commission had been kept free of politics. They included Bode and other

staff employees; former Commissioners Stephens, Turnbull, Buford, Stoner and Case; J. W. Burch, state director of the Agricultural Extension Service; Dr. Rudolf Bennett and Dr. W. C. Curtis of the University of Missouri faculty; and a host of spokesmen for sportsmen's and farmers' organizations. Significant among the witnesses was L. F. Gingery, secretary of the organized fox hunters, who in 1936 had opposed the conservation amendment. He now declared he had changed his mind, that the Commission program had been fair and sound.

Cance Pool didn't put in an appearance, and no one testified in support of his allegations.

Thus ended the Cance Pool incident, reported here only because it received such widespread publicity and for a period of ten weeks in 1946 caused much concern among Missouri sportsmen and professional conservationists. The whole affair was quickly forgotten. If anyone retained doubts about Messrs. Briggs and Pippin, they were soon dispelled by their capable and unprejudiced performance as members of the Commission.

#### Not a Partisan Issue

On issues before the legislature affecting its existence or independence, the Conservation Commission has consistently had the support not only of the Federation and its 70 to 85 affiliated clubs throughout the state, but of other sportsmen's groups and the two influential farm organizations, the Farm Bureau Federation and the Missouri Farmers Association. A powerful ally during the Shockley fight was the United Sportsmen's League of St. Louis, an association of some twenty organizations including three Federation chapters within the city, the Missouri Quail Hunters, Inc., the Anglers of Missouri, the Big Game Hunters Association, field trial associations, casting clubs and other groups unaffiliated with the Federation.

Despite charges and counter charges made from both sides of the aisle during debate on the Spearman and Shockley resolutions, analysis of the record fails to show any organized party attack on the non-political wildlife program by either Republicans or Democrats. Fred Spearman and the co-sponsors of his resolution in 1943 were all Republicans, yet the Republican leadership in the House was instrumental in defeat of the measure. Tom Shockley was a prominent member of the Democratic majority in 1949, yet the opposition to the "meat-hound bill" was led by C. P. Turley of Carter County, Democratic floor leader. Spokesmen, both for the Shockley plan and against it, bobbed up on both sides of the aisle. In every instance the vote cut sharply across party lines.

'One conclusion can be drawn from the record: The Missouri Leg-

islature has consistently voted down all attacks on the non-political Commission, and has passed important laws to strengthen it.

In the 67th General Assembly of Missouri, 1953, four separate Constitutional Amendments were introduced to cripple or reduce the powers of the Conservation Commission. All were defeated in the House or were withdrawn by the sponsors.

## Chapter XI

### THE CONSTITUTION CONVENTION, 1943-44

AT THE election of Nov. 3, 1942, Missouri voters authorized a convention to revise the antiquated state constitution. This gave opponents of the non-partisan wildlife administration another chance to weaken, divide or replace the Conservation Commission which the people voted into existence in 1936. Not all the wildlife and forestry proposals introduced in the convention were motivated by reactionary or destructive purposes, of course. The delegates had been handed the task of rewriting the state's charter. Taking their assignment seriously, some of them saw no reason to consider the conservation amendment immune to change. Open-mindedly, they considered the possibility that improvements might be made.

Having watched the new Commission's spectacular progress in scientific wildlife management for six years, once partisan politics had been eliminated, and having witnessed the beginning of an effective state forestry program, public opinion was skeptical of any proposed change. This was evident as the convention progressed.

Sensing the importance of the forthcoming convention, the Conservation Federation, through Executive Secretary Ted Butler, sent a bulletin Jan. 1, 1943, to all chapters urging them to participate actively in the selection of delegates. Under the law, each of the 34 state senatorial districts was to have two delegates, one to be selected by the Democratic district committee, one by the Republican district committee. In addition, 15 delegates were to be elected at large from names nominated by initiative petition.

Early in 1943 the state committees of both major parties, agreeing to a non-political approach, invited various organizations to suggest the names of "capable and outstanding citizens" for nomination as delegates-at-large.

The Federation subsequently recommended the following list:

Lon S. Haymes, Springfield lawyer; Allen McReynolds, former state senator and Carthage attorney; Harry A. Plattner, Malta Bend farmer and past-president of the Federation; D. L. Bales, Eminence, former state Senator and a Federation director; Arthur M. Hyde, Trenton, former Missouri governor; R. A. Brown, Jr., St. Joseph attorney; George Wilkerson, Hughesville farmer; Mrs. Kossuth Weber, Farmington, civic and women's garden club

leader; William L. Bradshaw, professor of political science, University of Missouri; Mrs. John Harris, Columbia civic leader; Fred L. Williams, St. Louis, former state supreme court judge; R. W. Brown, Carrollton farmer and president of the Missouri Farm Bureau Federation; Roy A. Roberts, Kansas City publisher; and Hugh Stephens, Jefferson City civic leader, a brother of E. Sydney Stephens.

Of the above, McReynolds, Bales, Mrs. Harris, R. W. Brown and Prof. Bradshaw were nominated via the petition route. The Federation also endorsed the candidacies of Stratford Lee Morton, St. Louis business executive; John F. Case, Wright City, the former Conservation commissioner, and Robert E. Blake, St. Louis lawyer.

McReynolds, R. W. Brown, Prof. Bradshaw, Morton and Blake were among the fifteen delegates-at-large elected at the special election held April 6, 1943. Blake subsequently was elected chairman of the convention. It should be noted here that many of the staunch advocates of retaining the non-partisan Conservation Commission in the new constitution were subsequently to be found among the 68 district delegates.

The convention opened sessions Sept. 21, 1943. Subject-matter committees were named to revise various portions of the constitution. Wildlife and forestry matters were handled by the committee on agriculture and conservation, of which R. E. Kirchner of Syracuse was chairman.

#### Proposals 145 to 200

Some of the proposals introduced could be recognized readily as deliberate attempts to destroy the non-political Conservation Commission and return wildlife control to the legislature. Such was the nature of Proposal 145, introduced by Omer E. Brown of Ozark, Mo., and Oliver D. Downes of Bourbon, both representing districts in the Missouri Ozarks and both members of Kirchner's committee. The Brown-Downes plan was to have a single commissioner to head the wildlife and forestry department. This official would be elected by the people on a "non-political ballot," and would have authority to hire a director and all employees, fix their salaries, and exercise most of the powers of the Conservation Commission except the regulatory power. Fish and game regulation would be vested in the legislature.

A more plausible revision was introduced by Delegate Clyde C. Cope of St. Louis County, who had the backing of two independent St. Louis sportsmen's groups, the Anglers of Missouri and the Conservation Organization of Missouri, neither of which was affiliated with the statewide Federation.

Cope's proposal, No. 200, was to increase the four-man Commission to six men, whose terms of office would be fixed by the

Legislature; make regulations of the Commission subject to immediate review by the Supreme Court; and give the governor authority to dismiss a member of the Commission without cause. The Cope plan also provided that the legislature could vote salaries for the Commissioners. Exercise of eminent domain, contained in the 1936 amendment, would have been made subject to legislative approval. The principal joker was readily apparent to thoughtful delegates, as well as to conservation leaders of the state. The legislature could fix the terms of all Commissioners to run concurrently with the governor's term, thus enabling a patronage-minded governor to name the entire Commission and dominate the department.

The Conservation Commission, invited to testify on the Brown-Downes and Cope proposals, took the position that the existing amendment was completely adequate and that under it the wildlife and forestry programs were functioning efficiently and well. This position was vigorously supported by the Conservation Federation and several independent sportsmen's groups, as well as by the major farm organizations, the League of Women Voters, and a number of other organizations.

#### Budde to Federation Office

The Executive office of the Conservation Federation of Missouri was transferred from Springfield to St Louis on Nov. 1, 1943, when Gus E. Budde succeeded Ted Butler as executive secretary and editor of *Missouri Wildlife*. Budde had been a hustling leader in St. Louis chapters of the Federation since the campaign for Proposition No. 4. Henceforth, Federation activities in connection with the Constitutional Convention were directed from Budde's office. H. J. ("Jack") Waters, editor-publisher of the *Columbia Daily Tribune*, was serving as president of the Federation at the time.

In presenting its arguments to the convention, the Federation published a booklet documenting conservation progress under the 1936 amendment, listing cooperating and supporting groups and agencies, and naming 55 statewide and local organizations which "insist on no change in Missouri's conservation law." The booklet also quoted national authorities endorsing the Missouri plan as the nation's "model conservation law," and tabulated the vote by counties when the amendment was adopted in 1936 and when the McCawley proposal was rejected in 1940.

The Federation also presented a statement addressed to the convention delegates and signed by citizens in 100 counties. This statement declared:

"A government agency must meet two primary requirements:

It must be popular and it must function effectively. In our opinion, Missouri's non-partisan Conservation Commission meets both requirements. When the people first voted on the conservation amendment in 1936, it carried in 85 counties and the city of St Louis. When a repeal amendment was submitted in 1940, it lost in 93 counties and the city of St Louis. In the entire history of Missouri, no constitutional proposition has enjoyed such popular support. Achievements under the non-partisan Conservation Commission have justified this popular support. Personnel of the department has been placed on a merit basis; practical and scientific research has been carried on; and wildlife management has been efficiently coordinated with the work of educational institutions and agricultural agencies in Missouri. It is obvious that the people want the present conservation set-up left alone; and, in our opinion, none of the proposals now pending before the Constitutional Convention offer changes that would guarantee any improvement. Therefore, we urge the delegates to write into the new constitution the conservation provision as it now stands."

The Conservation Commission survived all revision attempts in the committee on agriculture and forestry. After bitter debate, the committee's file, reported Feb. 10, 1944, to the full convention, retained the original conservation article without change except for two minor additions, one providing for judicial review of any Commission regulation affecting "private rights," the other requiring that regulation changes may not become effective until at least ten days after having been filed by the Commission with the Secretary of State.

Meanwhile threats to the Commission's independence developed in other committees. Most serious of these was a proposal sponsored by Convention Chairman Blake in an attempt to compromise the snarl which had developed around the conservation proposals. Referred to the Bill of Rights committee, the Blake suggestion read as follows:

"No administrative commission, board, bureau, commissioner or other body or official now existing or hereafter created by the Constitution or laws of this state or any political subdivision thereof shall have the power to make rules or regulations inconsistent with the Constitution or laws of this state or other applicable law, nor to provide, create, enact or impose any fine or imprisonment for the violation of any rule or regulation."

The effect, as pointed out at the time by a staff correspondent of the St. Louis Post-Dispatch, would have been to make legislative acts superior to Commission rulings, and thereby "return conservation to political control and legislative log-rolling."

The Bill of Rights committee, however, pulled the teeth of the

Blake suggestion and substituted this milder provision: "No bureau, commission, board or other administrative agency now existing or hereafter created shall have the power to provide, create, enact or impose any fine or imprisonment." The Commission had never attempted to enact a regulation imposing or defining a penalty, or contended it had the power to do so. It had depended for enforcement upon penalty statutes previously enacted by the legislature, and this method had been upheld by the State Supreme Court in the *Marsh v. Bartlett* case (discussed in Chapter VII).

The persistence of delegates opposing the non-partisan Conservation Commission and the non-political court plan, another constitutional reform which was adopted by the people in 1940, led Curtis A. Betts, veteran political correspondent of the St. Louis Post-Dispatch, to report on Jan. 21 that the controversies raging around these two issues threatened to nullify the entire convention effort. "There are few delegates who do not believe that the wrecking of the non-partisan court plan and of the non-political Conservation Commission would defeat any new constitution presented," Betts wrote. "Both have had the approval of the voters in less than four years, and the feeling is quite general that their supporters would actively oppose a constitution which did not include them."

#### Victory for the Amendment

Majority sentiment in favor of retaining the Commission unchanged became apparent when the agriculture-conservation file was brought up on the floor for consideration of amendments. First to be voted down, 40 noes to 17 yeas, was an amendment offered by Delegate M. E. Ford of Maryville and Charles M. Mayer of St. Joseph to take forestry away from the Conservation Commission and enable the legislature to set up a separate forestry department. Delegates E. M. Stayton of Independence and R. W. Brown, Carrollton, had been influential in defeat of a similar proposal earlier in committee.

Another amendment to take away the power of eminent domain was voted down on the floor without the formality of debate.

The agricultural-conservation file, retaining the Conservation provisions intact except for the minor amendments on filing regulations and judicial review, was finally adopted Sept. 21, 1944, the date on which the drafting of the proposed new constitution was completed. The department of agriculture, previously a legislative creation, was made a constitutional agency. Another section of significance to the conservation program authorized the legislature to exempt partially from taxation lands devoted exclusively for forestry. This provided the basis for

Missouri's model forest-cropland law, passed in 1946 as a vehicle for better private forestry practices.

The convention finally adjourned Sept. 29, 1944, one year and eight days after it started its monumental task. After a vigorous campaign in behalf of the document, with conservation organizations of the state actively participating, the modernized constitution was adopted at a special election Feb. 27, 1945. It went into effect March 30, 1945.

## Chapter XII

### WILDLIFE AND THE LAND—THE FIELD PROGRAMS

MANY thousands of Missourians, farmers as well as sportsmen, were anxious to cooperate in any reasonable plan to restore wild game populations. The success of certain programs developed by the Conservation Commission proved that all they awaited was a plan and the spark of leadership. By the end of 1941, for example, the Commission had organized 87 cooperative wildlife management areas in 54 counties, encompassing 666,355 acres and 3,192 separate farms. This endeavor involved getting the signature of 3,192 "Showme" farmers to agreements on which, in most cases, a sportsman's club was listed as the sponsor. This was no mean feat in the field of sportsman-farmer relations.

The cooperative wildlife management areas grew out of the first major field program developed by the new Commission. The plan was to get a solid block of farms signed up for purposes of controlling trespass and improving game conditions. Larger areas were favored; some ran 20,000 acres or more; a few, for specific purposes such as a waterfowl refuge, were as small as a few hundred acres. Some of the tracts encompassed a small watershed or an entire school district. About two-thirds of the projects were sponsored by a nearby Federation chapter or other sportsmen's group. Some were organized under the auspices of 4-H Clubs or Future Farmer chapters; a few were sponsored by civic or service clubs.

Most of the areas were organized for "controlled hunting" of farm game, including quail, rabbits, squirrels and furbearers. Some were refuges for deer and wild turkey, prairie chicken, waterfowl or beaver. A few, usually within or near a city and relatively small in area, were songbird sanctuaries.

The sponsoring sportsmen, who helped get the signatures and post the area, were offered the prospect of better hunting within a period of years. The farmer was offered posters and Commission assistance in controlling unauthorized trespass. The sponsoring sportsmen pledged themselves to do no hunting except by express permission of the landowner.

In most instances the local wildlife conservation agent was the key figure in organizing and coordinating the project, serving as liaison man between sportsmen and farmers. For each area, Commission biologists drew up a "plan of management" recommending, farm by farm, such measures as fence-row and gully plantings, pond construction, woodlot fencing and fire control.

Getting the plan of management translated to actual land improvements was the weakness of the program. The controlled-shooting feature worked quite well—too well in a few cases where the farmers took advantage of the posters to exclude all hunting—but in general, little was accomplished to improve wildlife habitat. The early enthusiasm of the sponsoring groups soon subsided. In a few instances, where a 4-H Club or F.F.A. chapter was at hand, the boys and girls accomplished considerable seeding of fence rows and even planted some trees and shrubs. The Commission itself lacked personnel to keep in touch properly with the cooperators. At the end of five years—duration of the original agreement—many of the areas were abandoned. Some have been successfully maintained to this day. In recent years a smaller number of areas have been organized under the same general plan for specific purposes—principally to serve as temporary refuges on which the Commission has released wild-trapped deer in a program to disperse and spread the Missouri deer herd.

There is no question but that the cooperative wildlife management program served an enormously useful purpose during the early years. It brought about the first substantial measure of farmer-sportsman cooperation in Missouri history and resulted in a lot of helpful publicity. It did save some wildlife habitat and started some farmers, at least, on the road toward better land-use.

### The Farm Pond Program

The withering droughts of 1934 and 1936 were still hot in the memories of Missourians when the Commission's federal-aid biologists and field agents began testing methods and inducements in 1938-39. Recalling the drastic reduction in game populations that occurred during the dry years, the biologists logically surmised that a shortage of permanent water holes in the upland areas was one of the major factors limiting wildlife and direct surveys brought out startling confirmation of this. Missouri has few natural lakes, but the soil and terrain in most parts of the state are ideal for pond construction. The solution to the water problem seemed to be ponds—if only a way could be devised to get suitable, permanent ponds built in appreciable numbers.

In 1939 the Commission bought several dozen scrapers, both horse-drawn and tractor-type, and launched what it called a "cooperative pond building program." The scrapers were loaned without charge to groups of farmers who agreed to construct ten or more ponds in the community. Several hundred ponds were built under this plan, but in general they weren't very good ones.

Engineers said that in order to survive years like 1936, the ponds should hold water at least eight feet deep. The biologists said to be most useful for fish and game, the ponds should be

fenced. To be worthwhile to the farmer, the ponds had to supply water for livestock. Working from these facts the Commission, cooperating with other agencies like the Agricultural Extension Service and Soil Conservation Service, worked out a set of specifications: A minimum of 8 feet of water, with properly engineered dam, spillway, and drainage area in correct proportion; fencing to protect the pond from wading and contamination by livestock and to permit wildlife cover to develop; a pipe through the dam supplying water to a livestock tank outside the enclosure.

During these same years, also learning from the years of drouth and erosion, the Agricultural Extension Service was urging and directing a trend away from cash-crop farming toward a livestock-pasturing system. War in Europe brought a steady increase in livestock prices, accelerating the trend. For the livestock farmer, and for proper utilization of pastures, more ponds were needed. The average farmer, however, couldn't see much sense in fencing a pond; it seemed simpler just to let the cattle wade in and drink.

In 1941 the game technicians hit upon the idea of furnishing the necessary pipe and fittings as an inducement to farmers to build good ponds and fence them. The idea quickly caught on. The gift of pipe was the key to a successful pond-demonstration program. Using federal-aid funds granted for the purpose, plus some of its own monies, the Commission furnished pipe for 782 ponds by the end of 1941 and added 647 more the following year. An initial free stocking of fish was an additional incentive.

In return for the pipe the farmer agreed to build the pond strictly according to approved specifications. Commission field men, in cooperation with the county extension agents, then followed through at the new ponds with public demonstrations of wildlife development. The fresh dam and spillway would be fertilized and seeded to prevent erosion; trees and shrubs would be planted about the pond for shade and wildlife cover; plantings of spike-rush, arrowhead and calamus at the water's edge were made for additional wildlife cover and to prevent wave erosion. Later, as fisheries techniques were developed, the pond-owner and his neighbors were shown how to fertilize the water to increase fish production and, for highly managed fish ponds, the aquatic plants were reduced or eliminated.

In 1942 the Agricultural Adjustment Administration (later the Production Marketing Administration) added pond building to the list of conservation practices for which incentive payments were offered. The specifications adopted were those recommended by the Extension Service and Conservation Commission, including the fence. Several thousand new ponds were built each year in spite of wartime shortages which held back construction. Then

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in 1945 the program hit boom proportions. That year the A.A.A. pitched in a special \$100 payment for approved ponds. By the end of 1948, when the boom began to slack off, more than 50,000 ponds were dotting the farm lands of Missouri. If a shortage of permanent water holes had been a factor of upland game depletion, that problem was solved. In most counties of Missouri a raccoon can now travel from creek to creek and catch crayfish in a dozen ponds while crossing the divide.

With the pond program steaming along under the impetus of A.A.A. payments, the Commission turned its attention toward getting as many of the new ponds as possible developed for wildlife and stocked with fish. Sportsmen's clubs and rural youth groups were called upon to help set out wildlife plant-bundles or "quail food-plot bundles"—assortments of trees, shrubs and lespedezas designed to turn a fenced pond-area into a bobwhite covert. Pond planting and fertilizing demonstrations were continued in every county.

#### Fishing the Farm Ponds

From the standpoint of the sportsman, the fishing opportunities provided by the tens of thousands of new ponds was of equal significance to the effect upon game. Many anglers now turn to nearby ponds for much of their sport fishing. In northern and western counties, farmers who formerly went to the creek for catfish and carp, if they fished at all, now are learning the new thrill of a bass strike and the fun of catching bluegill on a flyrod.

From the beginning of the program, the Commission offer to stock all approved ponds with fish was a special incentive. Stocking was done upon application of the landowner, which had to be approved by the local conservation agent. The farmer receiving the fish agreed to permit "a reasonable amount of fishing without fee," subject always to his own control of trespass. In other words, while agreeing to let some of his friends and neighbors share the sport, the farmer retained his legal privilege of saying who shall and who shall not come onto his land.

In 1945 the Commission put a pair of aquatic biologists to work on a series of experiments with typical farm ponds. Purpose was to find the answers to several knotty problems of pond fisheries management—the best combination of fishes for stocking, for example, and how best to fertilize for maximum production. How to prevent over-population and stunting of fishes, how to clear up muddy ponds, and how to control aquatic vegetation were other questions to be answered. This program was increased with the addition of more men and funds in 1948, and in 1951 was given further impetus by the inclusion of fisheries in the Federal Aid to Wildlife program.

Most Missouri ponds are relatively small in size, ranging from 1/3 acre to five acres in surface area. Drawing their fundamental characteristics from the soil types in which they are located, they vary a great deal in natural productivity and response to fisheries management.

#### Multiflora Rose and Serecia Lespedeza

Certain aspects of the land-use trend during the decade of the 1940's were downright discouraging to wildlife conservationists. Soil conservation practices were making spectacular advances. Terracing, contour farming, legumes and new soil-treatment techniques, plus improved crop varieties, were boosting acreage yields beyond the wildest dreams of the pioneers who opened the virgin land. Smart farmers, coached by government experts, were learning how to improve their soil and get bigger crops and better livestock gains at the same time. Basically, these practices also increased the potential for wildlife; the clattering combines were leaving an abundance of protein-rich and mineral-nutritious seeds for wildlife to feed upon. There was only one trouble: No cover! Some of these practices actually reduced cover and left no place for wildlife to take shelter and to rear their young.

Power farming reached new heights of efficiency during and following the war. Stimulated by inflated prices and incredible profits, livestock herds reached record-breaking numbers on Missouri farms. Bulldozers swept away old hedgerows, cleared thickets and filled in draws. The speedy new tractors needed broad, smooth fields in which to roll. Wildlife cover had to yield before the demand for maximum yield from the most possible acres of the farmer's land. And cover not rooted out by the bulldozers was consumed by the growing herds of cattle. The Ozark border counties became a major dairying region. Once these counties—year in and year out—were the most reliable quail producing region in the state. As the Holsteins and Jerseys went up, the birds went down. No cover. Probably not enough food.

Few of the Agricultural Extension agents who were helping farmers re-plan and re-make their land for "balanced farming" had any interest in wildlife management. The typical county agent, harrassed by a job too multitudinous in detail for one man, had no time to go hunting or fishing. When he looked at an old osage-orange hedge or a blackberry tangle, he didn't see an exploding covey of quail. He saw only an obstruction in the way of a new contour fence line. The balanced farming plans being pushed by the Extension Service were designed to show dollar returns. There was no way to figure in the returns of recreation, companionship and zestful living afforded by the bobwhite or by

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bass in the farm pond. There were outstanding exceptions, of course, among the County Agents.

The typical Missouri farmer did not share his County Agent's unconcern for wildlife values. A great many Missouri farmers are active sportsmen. Those who do not now fish, shoot quail, go deer hunting or listen to the hounds, fondly remember the hunting experiences of their youth. Many a farmer wistfully bade farewell to his last covey of quail as the bulldozers nudged out the old hedge fence.

This was the background for the Conservation Commission's cover restoration program which, in the late 1940's, caught on with all the success of the farm pond program. The key was multiflora rose, an Asiatic species which for many years had been used by American floriculturists as rootstock for grafting ornamental roses.

In the late 1930's the Soil Conservation Service had experimented with multiflora rose as a living fence. Several plantings had been made in the vicinity of Cape Girardeau and Jackson, Mo. The University of Missouri also had made some experimental plantings on its own land near Columbia. An S.C.S. technician named Hugh Steavenson, who perfected nursery production of multiflora at the S.C.S. nursery near Elsberry, left the Service and started a private nursery business. He continued to produce multiflora in his own nursery and advertised it as the modern living fence. Yet farmers were slow to adopt the fence; plainly, it was not catching on.

In 1945 the Commission's game technicians, desperately seeking new cover plants that would fit into modern farming, began to study the Asiatic rose with its high, wide and handsome-growing proclivities. The Cape Girardeau fences, now full-grown, were dense, thorny hedges meeting the old fencing qualifications of "horse high, bull strong and hog tight." Moreover, the rose fences lacked three faults which had brought the traditional osage orange into disrepute:

(1) Osage orange, if not trimmed annually, grew up into trees and lost its ability to turn livestock. Multiflora rose required no trimming; it produced a thorny mass about eight feet high, about the same width, and got no larger.

(2) Osage orange would sap the ground and wither crops in dry years up to forty feet on either side. Multiflora, with strong vertical roots and few laterals, would not affect adjacent crops.

(3) Osage orange sometimes became a pest by spreading into adjacent fields and pastures, especially in southwestern counties. Multiflora has not been found seriously guilty of this offense.

The only trouble was, multiflora rose would grow well only on

rich, loose soil. No way had been found to adapt it to the upland soils that comprise most of the state. It was this problem the Commission had to solve. Using plants obtained from Steavenson, the game technicians experimented two years trying to develop cultural techniques that would insure satisfactory growth anywhere. Finally, the right combination of fertilization and bed preparation was found. Then the technicians developed a quick, economical planting method. This method involved a system of opening a trench for the plants with a tractor plow, placing the plants by hand against the vertical wall of the furrow, then covering the roots with a return trip of the moleboard. The large rubber tire of the tractor, guided down either side of the row of plants, compacted the soil around the roots. Pruning back the tops, done with a mower bar, and mulching completed the process. By this method, three or four hands could install a quarter-mile of rose fence from scratch in less than a half-day.

Meantime the Commission's forestry nurseries were getting into multiflora rose production. In 1948, with 3½ million seedlings ready for transplanting, the Commission organized its cover restoration program as a federal-aid project. Special project leaders, trained in multiflora rose culture and public relations, were stationed in each of seven regions of the state. Working closely with agricultural extension agents, and with the aid of district conservation agents and field service agents, the cover-restoration leaders conducted multiflora rose planting demonstrations in nearly every county of the state. During the fall of 1948 and spring of 1949, Commission crews actually put into the ground more than 100 miles of demonstration fences.

Surplus plants from the Commission nurseries were offered for sale to landowners at approximate cost—\$6 per thousand. The supply was quickly snapped up. In 1951, after three years of the program, the Commission estimated it had been responsible for 2,200 miles of new multiflora rose hedges on Missouri farms. "Field men and farmers report year-around use of these fences by quail, rabbits and songbirds," according to *The Missouri Conservationist* of September 1951.

The multiflora rose fence, like the farm pond program, was quickly accepted by farmers because it filled a practical need in modern agriculture. Excellent as wildlife cover, it is equally excellent as a living fence—dependable, economical, easy to maintain. It solves a special problem on contour field borders, where curves make a wire fence difficult to stretch and maintain. Moreover it makes an attractive, colorful hedge the year around, breaking the monotony of bare fields. Final proof of the pudding remains in the future, but it seems fair to forecast that multiflora rose may offset, at least, the cover-destroying trends in

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modern agriculture. Its use as a living fence is now recommended by all agricultural agencies. The Extension Service and S.C.S., in working out their soil conservation plans for landowners, now freely recommend the rose fence for permanent field divisions, for protecting ponds and grass waterways, and other practical places. In 1951 rose-fence planting was included among reimbursable conservation practices by the P.M.A. in many counties.

Along with multiflora rose, the Conservation Commission has urged the use of serecia lespedeza as a supplementary cover plant. Serecia is a woody perennial, producing a dense, waist-high growth that stands throughout the winter. It provides the close ground cover needed by quail and rabbits for nesting in the summer and for protection against weather and predators in winter. Serecia and multiflora make an excellent cover combination when the former is seeded along a rose hedge. In 1951, with the co-operation of sportsmen's clubs and farm agencies, the Commission distributed 15,800 ten-pound bags of serecia seed for planting along field borders, in gullied areas and similar "waste-land" spots. This seed went into every county of the state.

Bicolor lespedeza, a shrub-like legume which has been an excellent food producer for quail in southern states, and varieties of japonica also were being tested by the Missouri research men.

#### End of the Game Farm Era

The Commission did not immediately abandon artificial propagation of game birds. It did, however, begin to minimize the role of restocking in quail management almost at once.

Sportsman demand for quail restocking was undiminished when Bode and Clark arrived on the scene and began organizing their staff of technicians. In fact, the four original commissioners, when appointed in 1937, themselves envisioned a program built around more and bigger game and fish hatcheries. This was the general tenor of the movie and much of the literature distributed by the Federation in its campaign for Proposition No. 4.

In its first published report, covering the two years from July 1937 to July 1939, the Commission stated it had revised the restocking policy so that game "is placed only on areas where breeding stock is lacking and . . . where proper conditions exist for survival and reproduction." It also reported the release of 19,465 "native bobwhite quail as breeding stock on . . . voluntary farmer-cooperative producing areas."

As for wild turkeys, the Commission in 1939 announced arrangements for an annual supply of birds from a flock "pronounced to be one of the best strains of wild turkeys in the United States." This source was the Lost Trail Game Farm

operated in Reynolds County by B. K. Leach, a St. Louis industrialist-sportsman. Pure-blooded wild turkeys have never been successfully propagated in captivity; game farm success has always depended upon introduction of domestic blood. Leach had developed a system of placing his hens in forest pens to be mated by wild gobblers, thus gradually increasing the proportion of wild blood. The Commission stocked 500 of the Leach birds on refuges in 1938.

The Commission's 1943 report stated that "according to the usual procedure, the release of 3,000 quail, adult breeding stock, in the spring of 1943 was based on findings of the Research Unit as to counties where local weather conditions had resulted in a crop below the average for the state." Such annual releases continued until 1945, after which the Commission announced it was giving up quail restocking.

"Since the release of artificially-reared birds has not proven an effective method in quail restoration," the 1946 announcement said, "attention is now being centered on standard land-use practices which benefit quail."

From 1942 to 1949 the Commission and the Cooperative Wildlife Research Unit conducted a careful test of quail restocking in comparison with habitat restoration in Boone County. Two experimental areas were set up, one east of the town of Ashland, the other west, each comprising about 2,100 acres of similar farm land. Sixty pairs of mated quail were released each spring for three years on the West Ashland area; no birds were released on the East Ashland area. Hunting was permitted, under control of the local farmers, on each tract every fall. At the end of three years the unstocked area had about the same number of birds as at the beginning. The heavily-stocked area had fewer quail than when the experiment started.

Next a program of enlightened land use was started on the West Ashland area, as stocking efforts were discontinued. The Missouri College of Agriculture, the Extension Service, the Soil Conservation Service, Western Winchester, and other farm agencies cooperated in planning the program. The idea was to put into practice as quickly as possible terracing and contouring where needed, soil treatments, pasture renovation, woodlot protection and other conservation practices recommended by the experts. The effect on quail would be measured annually. The Wildlife Management Institute and the Western Cartridge Company contributed funds to the project.

At the end of four years the increase in the quail was spectacular on the West Ashland area—the fall population had about tripled. Again the coveys on the untreated East Ashland area

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remained about the same. The results of this experiment were reported by Melvin O. Steen, chief of the Commission's fish and game division, at the 1950 North American Wildlife Conference in San Francisco,\* and also in an article, "The Road to Restoration," in the May, 1950, *Conservationist*.

After 1945, the only quail stocking done by the Commission was for research purposes. Despite its best efforts to publicize and explain the reasons, the Commission was bitterly criticized by some sportsmen's groups for quitting quail propagation. In St. Louis a group of quail-stocking advocates organized themselves as Missouri Quail Hunters, Inc., and started a small hatchery of their own at Wright City, Mo. Later the Commission cooperated with this group in testing a new stocking technique called the "adoption method." This plan attempted to circumvent the pen-rearing hazards by releasing incubator quail, only a few days old, with wild-trapped adult birds. The results, as measured by a Pittman-Robertson biologist, were unfavorable.

A research study of wild turkeys in Missouri disclosed how even tiny traces of domestic blood weakened the endocrine and nervous systems of the birds and destroyed their inherent "wildness"—that combination of instinct and cunning that enables truly wild birds to survive in the wilderness.\* Other investigations showed that game-farm turkeys, like pen-reared quail, were of little value for restocking. In 1943 the Conservation Commission announced it had made its last release of game-farm turkeys. "Future efforts in restocking turkeys," it declared, "will be confined to the use of birds which may be trapped alive at certain state game refuges."

The Commission's successful deer and beaver stocking programs, by which it hastened spread of both species to unoccupied range, have been carried on exclusively by live-trapping animals from areas of concentration and releasing them in suitable range.

#### From Stocking to Fisheries Management

The Conservation Commission inherited an expanding fish hatchery plant from the former Game and Fish Department. Utilizing labor and money available through the W.P.A. and C.C.C. work-relief programs of the first F. D. Roosevelt administration, the Department had started construction of three major hatcheries. The Commission continued the projects. The Chesapeake hatchery in Lawrence County was enlarged and modernized

\* Steen succeeded Arthur L. Clark as chief of the fish and game division after Clark died of a heart attack while hunting pheasants in North Dakota in Sept. 1944. Steen, a native North Dakotan, was regional Federal-Aid Inspector for the U. S. Fish and Wildlife Service at the time.

\* Dr. A. Starker Leopold, 1944; "The Nature of Heritable Wildness in Turkey," THE CONDOR, Vol. 46, No. 4.

and in full production by 1939; the Lewis and Clark hatchery in Buchanan County, a new installation, was completed in 1940. Last to be completed and largest in the state, the Indian Trail hatchery in Dent County was ready in 1942.

In its 1939 report the Commission described a "revised plan for stocking fish so as to place fish only in waters *open to the public* and only in waters where conditions are suitable for survival and growth." One of the complaints against the former political regime was that much fish stocking was done in private waters on a basis of political favoritism. One who knew the right politician would get his private lake stocked by the state, even for commercial purposes.

The 1939 report also proudly announced that "for the first time, the production of large and smallmouth black bass fingerlings went over the million mark. Total production of fish for stocking—4,188,189."

The production curve of the state hatcheries continued up for several years, topping 13 million of all species in 1943. By that time the fisheries and information sections had begun to play down the importance of stocking in streams. There was no federal-aid program to pay for fisheries research then, but the Commission had three aquatic biologists on the payroll by 1941. Successive investigations confirmed the fact that artificial stocking had little if any effect in streams where natural propagation was always far greater than ample to restock the waters. The biologists also confirmed, time after time, that the trouble with most impounded waters was not too few fish, but too many.

The trend in recent years has been toward use of hatchery production only as a management tool, providing fish in the proper combinations for stocking new ponds and lakes, and for corrective stocking when fish populations get out of balance. The Missouri trout program, another carry-over from the old department, is a special case. Rainbow trout are spawned artificially and reared to catchable size for release in cold, spring-fed streams of three state parks. There anglers pay a daily fee to fish for the trout. The rainbows thrive in the spring branches but will not reproduce naturally in the Missouri climate. Some trout are released in other spring-fed streams designated as "special trout management areas," but the bulk of the trout fishing is done in the parks.

Conservationists have recognized that little can be done in a hurry to restore Missouri streams to their former productivity. The creeks and rivers have been the victims of land abuse. Many one-time good fishing streams are no longer streams at all in the best sense; they are merely gravel-filled watercourses flowing

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only after rains. The Conservation Commission has preached that soil conservation, reforestation, fire control and pollution abatement will do more to restore stream fishing than any direct measures than can be applied. This is truly a long-range program.

The foregoing is not meant to imply that Missouri streams are aquatic deserts; indeed, most of them still yield good angling sport. Admittedly, however, they are not as good as they once were.

To meet the demands of steadily growing numbers of sport fishermen, the Commission stressed the creation of new fishing waters. The farm pond program is a prime example. A longer-range but equally important program is that of establishing larger lakes. Since the war, one major public-fishing lake has been completed in Mercer County. Thirty-two small lakes totaling 140 acres have been constructed in a public-use area, known as the August A. Busch Memorial Wildlife Area, near St. Louis. By mid-1952 a combination waterfowl area and public fishing lake was near completion in southwest Clinton County, near Kansas City and St. Joseph. Other public fishing lakes were in the planning stage.

#### Cooperation With Other Agencies

An outstanding feature of the Missouri wildlife program has been a deliberate policy of close cooperation with other land-use agencies. The Commission has sought to coordinate its efforts with the recommendations of agencies like the Agricultural Extension Service, the Soil Conservation Service, the Production and Marketing Administration, and U. S. Forest Service. It has also tried to utilize and shape the programs of other agencies, whenever possible, in behalf of wildlife objectives. Early in its history the Commission adopted the following as a major statement of policy:

*"All land and all products of land must be considered in building a balanced civilization. That is why the Conservation Commission allies itself with all other agencies—state, federal and private—that have to do with maintaining the productivity of the land and the welfare of the people."*

## Chapter XIII

### THE FORESTRY PROGRAM

**C**ONSIDERING the fact that one-third of Missouri's total area is woodland, it seems strange the state never developed a forestry service until a group of sportsmen in 1935 included the word "forestry" in a proposed constitutional amendment by which they hoped to take the game and fish department out of politics. And that important word appeared only because a Sedalia lawyer understood that, to be successful, any attempt to restore wildlife had to cut deeper than the birds, mammals and fishes.

The fact is, the Conservation Commission created by that amendment, and assigned responsibility for the timber resources, had to sell forestry to the state. It was ten years before the selling job was adequate to persuade the state legislature to appropriate money from general tax revenues for forest fire control. Until 1946 the licensed hunters and fishermen paid the entire state forestry bill in Missouri, except for certain federal funds made available by Congress.

The reason for Missouri's long neglect of its forests probably lay in an attitude inherited from the pioneers. The folks who settled Missouri were farmers. They came to clear and break new land. Trees were a nuisance, to be cut, burned and grubbed out, so corn and wheat could grow and cattle could graze.

At first it was strictly a clearing operation, as the trees fell before the giant scythe of new civilization. A few of the choice logs were used to build homes and barns, but the surplus had no market value. There was no transportation, and America was rich in timber—so rich most Americans did not even consider it wealth.

Later, after railroads had come and wood was needed to build cities and to fuel industry, certain opportunity-wise loggers and lumbermen made fortunes. But still it was primarily a clearing job—a cut-and-get-out operation—as there was no thought of leaving seed trees or saplings for future harvest.

The hey-day of the virgin-timber harvest came around the turn of the century, when they were cutting the hardwoods out of the bottoms and the pine off the Ozarks. In 1899 lumber production hit three-fourths of a billion board feet in Missouri. That was when the largest saw-mill in the nation was operating at the town of Grandin in Carter County, and other mills at Corridon and Eminence and Bunker were not far behind. Producing the finest of lumber!

By 1936 Missouri production had dwindled to 89,173,000 board feet. The virgin forests were gone, except for a handful of hardwoods in southeastern swamps and a scattering of hard-to-get pine in the Ozarks.

When the settlers came they found more than two-thirds of Missouri in rich forest. In the North, in the Southeastern Lowlands, and in river bottoms everywhere, the trees had good soil under them. The land grew fine crops of corn or wheat or cotton, and the land stayed cleared.

But in the Ozarks the farmers didn't fare so well. The stony soil resisted the plowshares or, if plowed, the topsoil quickly washed away down the steep slopes. So they tried grazing, but the thin soil wouldn't support good grass—not enough sod to keep the forest from creeping back. The rocks blunted their clearing axes and grubbing hoes, so they resorted to fire as a clearing tool, to fight back the persistent sprouts. They did succeed in killing the young pine, but the hardwoods were tougher. After each annual burn, more sprouts came up where one grew before.

Leaves cling stubbornly to the oaks; they fall all winter and by March cover the ground in a loose, inflammable layer. The Ozark stockmen wanted grass and they wanted to kill last year's crop of sprouts, so they set fire to the leaves to accomplish both things. Year after year, generation after generation, they applied the torch, not realizing they were defeating their own purpose, bleeding the land, filling the creek where they liked to fish, and adding to floods far away. Each fire laid the land bare to more erosion. The soil got poorer, the grass got thinner, the sprouts got thicker.

Even today many an Ozark old-timer will stoutly defend the practice of woods burning. Some will tell you they do it to make better grass, or to kill the ticks and chiggers, or to drive out the varmints, or to kill the brush and clean up the woods. Others may offer no particular explanation, except to say that "Pa always burned the woods in the spring." Some may admit they like the smell of wood smoke and the show at night as the glowing fireline snakes along the ridgetops.

It has been estimated by foresters that prior to the advent of organized fire control in the 1930's, the total wooded area of the Ozark region was burned over at least once every three years. Under such trial by fire a healthy second growth could not develop after the virgin timber harvest. On vast areas only the near-worthless blackjack oak and other scrub species survived. Trees not killed were fire-scarred and laid open to insects and rot. Today, on many old second-growth stands, it is impossible to find one sound saw-log per acre.

Missouri made one abortive attempt to establish a forestry service prior to adoption of the conservation amendment. In 1925 the General Assembly created the office of state forester within the Department of Agriculture. With appropriation enough to put one district forester in the field, a fire protection district was started in Reynolds County around Deer Run State Park. For lack of achievement, however, federal assistance was withdrawn and in 1931 the legislature failed to appropriate for forestry. Two years later the forestry division was abolished. That first state forester gave up in despair. He signed an official report concluding that fire control is "impossible" in the Ozarks.

#### Fire Control on Private Lands

To organize its forestry program and attack that "impossible" fire control task, the Conservation Commission hired George O. White in April, 1938. White, a graduate of the University of Michigan school of forestry, class of 1917, worked in various state and federal forestry assignments after serving as an Army aviator in World War I. Before joining the Commission staff he was with the U. S. Forest Service, directing the timber management and reforestation work of C.C.C. camps in Missouri. At first, forestry was a section in the Division of Fish, Game and Forests. In January 1945 it became a full-fledged Division in the Commission's administrative organization.

By July of 1938 the new state forester had lined up four young graduate foresters and sent them to the Ozarks to organize the Commission's first fire protection districts. These original four districts encompassed about two million acres, nearly all privately owned land:

Meramec District, headquarters at Sullivan, 435,492 acres.

Lake Ozarks District, headquarters at Camdenton, 473,723 acres.

Sam Baker District, headquarters at Piedmont, 424,490 acres.

Eminence District, headquarters at Eminence, 623,892 acres.

The Deer Run District, with 422,437 acres including part of the original Eminence area, was added in 1939 with headquarters office at Ellington.

The fire-fighting system was organized in the pattern developed by the federal Forest Service. Lookout towers were erected on high spots about ten miles apart, with telephone and short-wave radio communication between district headquarters, towermen and fire fighting crews. Later, when some of the foresters returned after war service as airmen, air patrol was added during the bad fire seasons.

There was a basic difference between the state program and the federal service on the new national forests in southern Missouri,

as in national forests elsewhere in the nation. The national forests were government-owned land. The Missouri Commission was endeavoring to establish fire control in cooperation with private landowners, many of whom thought setting the woods on fire was the proper thing to do.

In view of the deeply ingrained woods-burning custom, the task called for strenuous efforts in public education. When the district foresters weren't fighting fires or supervising construction of towers, roads and telephone lines, they worked constantly at calling on the hill farmers and landowners, getting their signatures on "cooperative fire protection agreements." These agreements called for cooperation and mutual aid on the part of landowner and the Commission for the prevention, detection and suppression of fires. By the end of 1941, when a sixth district had been added comprising parts of St. Charles, Warren, Lincoln and Montgomery counties north of the Missouri river, a total of 1,601 landowners had signed the agreements. Their combined lands totaled 800,000 acres, an area almost as large as the federally-owned tracts in the national forests.

The district foresters and the wildlife conservation agents in the Ozarks became evangelists, preaching conservation and fire control at every opportunity, to individuals, barber-shop crowds and public meetings. Late in 1938 a panel truck equipped with electric-generating equipment and motion picture projector was thrown into the campaign. The "show boat" traveled the rugged, winding Ozark trails, stopping at country stores and rural schools for nightly showings. The operator, a trained forester himself, would give a talk on forestry and wildlife conservation, and show conservation films. The turn-out in every community was nearly 100 per cent. R.E.A. lines had not yet bought electricity to the hills, and movies were an event!

Despite the educational effort, the spring burning season remained a nightmarish experience for the fire-fighters. Sometimes a spell of warm dry weather in November or December would be almost as bad. With high winds whipping the ridges and smokes billowing in a dozen directions from every tower, district forester and towermen would abandon their posts and lead sweating, weary crews in round-the-clock war against the flames. A fire beaten down one night would break out again the next day—the fire-setters were determined. Sometimes the fight would go on for days against hopeless odds, until a rain would bring temporary respite.

The fact that large areas of Ozark land are held in absentee ownership complicated the problem. Some of these areas are inhabited by "squatters" who pay no rent but own a few head of livestock. Many tracts were sold by the counties because of non-

payment of taxes, especially in the depression years of the 1930's. Such areas, by law or for lack of fences, were "open range" and subject to burning by the hill stockmen.

Although state law prohibited fire-setting on another man's land, it was impossible to get a conviction in the local courts in those early years. No amount of law or pleading could convince an Ozark jury that burning the woods was a crime.

The first district foresters had little equipment and few trained helpers. Fire fighters had to be recruited where they could be found. Frequently they were high school boys who forthwith developed a bitter hatred for fire-setters. Gradually public opinion turned against the woods-burner and steadily the efficiency of the fire fighters improved. Within a few years, fire damage to more than 3 per cent of the protected acreage was considered a bad year.

As more funds became available, the Commission expanded its fire protection areas and added new ones. By 1951, three additional districts had been set up, bringing the total forested area under protection to 6,199,479 acres. The new units were the Camp Crowder District, headquarters at Pineville, 612,968 acres; Gasconade District, headquarters at Vienna, 663,649 acres; and the Taneycomo district, headquarters at Branson, 472,885 acres. A total of 66 towers were in operation in the ten districts.

During the 1949-50 fiscal year, the Forestry Division suppressed 2,977 wildfires, which burned over 55,809 acres before being put out. This damaged acreage was less than 1 per cent of the area protected. *The "impossible" had been achieved!*

In 1951 there still remained, outside the protection districts and outside the national forests, nearly five million acres of Missouri timberland in need of organized fire control.

The fire-setter is still prevalent in Missouri. Of the fires reported by the district foresters in 1950, nearly half—48 per cent—were incendiary, started for the deliberate purpose of burning off the woods. Another 41 per cent were classified as resulting from *debris burning*. The debris burner is the man who tries to burn a brush pile, or burn off his own garden or field, and lets the fire get away to neighboring lands.

The remaining 11 per cent were started by the causes usually exhorted against in the national campaigns—careless campers, smokers, railroads, etc.

#### The C.C.C. Contribution

In the early years when funds were scarce and the personnel spread thinner than was wise, the Commission's forestry program was aided by three Civilian Conservation Corps (C.C.C.)

camps assigned to it. The C.C.C. enrollees built towers, roads and fire trails, helped construct telephone lines, and at other times did timber-stand improvement cutting and planted millions of pine seedlings in state forests and parks. A camp near Sullivan developed the Commission's Meramec nursery and furnished most of the operating manpower for the nursery until 1942.

#### Tree Planting by Farmers

The Meramec nursery and stock available from a large nursery operated by the U. S. Forest Service at Licking, Mo., enabled the Commission to start a tree distribution program at once. More than one million forest seedlings were delivered at cost to Missouri farmers in the spring of 1939, and from one to two million every year since. Adapted hardwoods, such as black locust, ash, and black walnut, and evergreens such as shortleaf pine and red cedar have gone to every county of the state for woodlot plantings, windbreaks, fence-post production and erosion control. In addition, fruit and nut-bearing trees and shrubs have gone into wildlife plant bundles.

In 1947 the federal nursery at Licking, idle during the war, was transferred by free special use permit to the Conservation Commission. This enabled the Forestry Division to start multiflora rose production on a large scale and to meet the demands of the booming cover-restoration program developed by the game section. In 1950 the Commission's production and distribution from the Meramec and Licking nurseries totaled 1,277,958 forest trees, 4,396,216 multiflora rose, 276,040 trees and shrubs in wildlife plant bundles, and 189,420 of other varieties for quail food-plot bundles.

The Agricultural Extension Service has cooperated in this program, the county agents taking the orders and arranging for local distribution. Extension foresters also have conducted many tree-planting demonstrations. The tree-distribution program has been partially financed by federal funds available under the Clarke-McNary Act of Congress.

#### Farm Forestry Districts

A farm forestry service was started in 1940 in cooperation with the U. S. Soil Conservation Service. A farm forester stationed at Warrenton worked with farm woodlot owners in a district comprising St. Charles, Warren, Montgomery, Pike and part of Audrain counties. His job was to advise farmers regarding woodlot management, including the harvest and marketing of timber products. A second district included Adair, Macon, Schuyler and Putnam counties, with headquarters at Kirksville.

Two years later Congress authorized the Forest Service to start a similar cooperative program with emphasis on a market-

ing service. Basic purpose was to speed timber products needed for war uses. The cost was shared equally by the Conservation Commission and the federal agency, as in the case of the S.C.S. districts. Two Farm Forestry Marketing Districts were established in 1942, one including McDonald, Newton and Barry Counties with an office at Pineville; the other in St. Francois, Jefferson, Ste. Genevieve and Perry Counties, with office at Farmington.

In 1946 the federal end of the farm forestry program was consolidated in the Forest Service, and by 1950 the Commission was supervising 12 such districts with farm foresters working in a total of 50 counties.

### The Forest Crop Land Program

Passage of the State Forestry Act by the 63rd General Assembly in 1946 marked the coming of age of the Missouri forestry program. The same legislature provided the first forestry appropriation from general tax revenues.

The 1946 law authorized the Conservation Commission, upon application by the owner, to classify private timber tracts as "forest crop land" for a period up to 25 years. Under the law annual taxes are partially deferred, with the substitution of a yield tax when the timber is harvested. Counties are reimbursed by the state at the rate of 2 cents per acre per year for the deferred taxes.

In return for following the timber management practices recommended by the Forestry Division, the landowner receives help in fire protection and periodic inspection as an aid in preventing timber theft. Timber stealing, incidentally, has been ranked next to fire as a deterrent to private forestry development in the Ozarks. The practice of cutting choice logs or stave bolts from another man's land is known locally as "grandma-ing," so-called because when asked where he got the log which he offers for sale, the timber thief is supposed to reply: "I got it off'n Grandma's place."

By the end of 1951, the Forestry Division reported that 217 different owners had applied for and received Forest Crop Land classification for a total of 172,000 acres in 44 counties.

### The State-Owned Forests

Four areas inherited from the Game and Fish Department and formerly called "parks", totaling 34,000 acres, were designated "state forests and wildlife refuges" by the Commission. These areas had undergone no park development. By acquisition, the Commission gradually expanded the area of state-owned timber until in 1951 the State Forests totaled about 150,000 acres, mostly

in the eastern Ozarks. The Commission says this modest State Forest program has a dual purpose: (1) As laboratory and demonstration area for forestry practices, and (2) to provide key game refuges in strategic places and public shooting areas on which sportsmen can pursue in season the expanding herd of whitetail deer. In 1950 and 1951, approximately 100,000 acres of state forest land was open to deer hunters, of which about 40,000 acres was specifically marked for "public shooting." Except for designated refuge tracts, the national forests also are open to public hunting, totaling more than one million acres.

Of Missouri's 15½ million acres of timberland, about 1,300,000 acres in the Clark and Mark Twain national forests and some 150,000 acres in state forests and parks are publicly-owned. The other 14 million acres—90 per cent of the total—is in private ownership, the property of some 200,000 individuals and firms, according to Commission figures. Thus Missouri's forestry laws and the state forestry program appropriately stress assistance to private timber owners.

#### Where the Money Comes From

In its first published report (1939) the Conservation Commission said it had allotted 6 per cent of its revenue from hunting and fishing permits to forestry. "This is entirely justifiable from the wildlife standpoint," the report stated, pointing out the benefits to deer, wild turkey and fishing streams, "but is very inadequate to carry on the necessary program for the 15 million acres of forest land in the state." Later the Commission pushed the forestry program to 15 per cent of its total income, while plead-

#### FORESTRY DIVISION BUDGET

Fiscal Year 1949-50

Activity	Conser- vation Commis- sion Funds	General Revenue Appropri- ation	Federal Allot- ments	Totals
Fire Control .....	172,972	195,116	188,222	556,310
Farm Forestry .....	26,695	.....	28,055	54,750
Tree Distribution .....	13,724	.....	4,826	18,550
Acquisition (Forest Land)	14,700	.....	.....	14,700
Forest Research .....	3,500	.....	.....	3,500
Forest Management .....	.....	22,000	.....	22,000
County Payments .....	.....	7,884	.....	7,884
 Totals .....	231,591	225,000	221,103	677,694

ing the importance of forestry to the economy of the entire state, and therefore to the taxpayers. But it was not until 1946, as noted above, that the Legislature finally approved a \$200,000 appropriation for forestry purposes.

In the fiscal year 1949-50, after the Legislature had increased the biennial (general revenue) appropriation to \$450,000, the Commission's forestry budget was shared three ways, almost equally, by the hunters and fishermen, the Missouri taxpayers, and the federal government, as shown in the Table on page 101.

Federal reimbursements on a matching basis have been available since the beginning of the Missouri program under the Clarke-McNary Act of Congress for federal-state cooperation in forest fire control.

In 1945 the Conservation Federation of Missouri organized a "Statewide Forestry Committee" under the chairmanship of Maj.-Gen. E. M. Stayton, retired army-engineer and civic leader of Independence, Mo. Purpose of this committee, composed of several dozen prominent citizens throughout the state, was to work for sound legislation and public education in behalf of forestry objectives. The committee actively supported passage of the State Forestry Act and the first general revenue appropriation in 1946. When Gen. Stayton retired from the chairmanship in 1950, he was succeeded by Clarence C. Vaughn of Brentwood, a past-president of the Federation.

There have been two other recent developments of importance to Missouri forestry. One was establishment in 1947 of an accredited department of forestry at the University of Missouri, offering a degree in forestry. The other was appropriation of funds by Congress in 1948 to start a forest research center in Missouri. This center, with headquarters on the University campus at Columbia, is known officially as the Northern Ozarks Branch of the Central States Forest Experiment Station.

The timber business looks forward to a future of expanding importance in the economy of the state. In 1950 it was a 42-million-dollar industry in Missouri. That was the volume of returns to landowners, timber workers and wood-using industries. A new crop of sound timber is just starting to grow in the protected forests.

## Chapter XIV

### INFORMATION AND EDUCATION

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UNTIL 1940 the Commission's division of information and education consisted of one trained writer-photographer as chief and two stenographers. Obviously, with this limited staff, little could have been accomplished had not the entire field staff been urged to stress public relations and educational activities. "The Commission regards each of its staff, from director to river patrolmen, as a public relations unit," said the first biennial report.

At first the function of the information-education division consisted largely of preparation of press releases and of special bulletins and pamphlets needed as the game, fish and forestry programs unfolded. Following a precedent of the former Game and Fish Department, exhibits were presented annually at the State Fair and a few regional fairs. In 1939 and 1940 the Commission produced its first major motion picture. Its title, "Back to Missouri," was borrowed from a slogan used in the 1936 campaign for Proposition No. 4. The photography and technical phases of the production were placed in the hands of a professional firm; the result was a documentary film of high quality depicting Missouri's wildlife problems and showing how the Commission was developing a broad, cooperative program of restoration. For several years "Back to Missouri" was an important program attraction at nearly every public meeting conducted by Commission personnel. Prints on 35 mm. film were widely shown in public theaters of the state.

A quarterly magazine entitled the *Missouri Conservationist* was started in July, 1938. In 1940 a second writer was added, but it was not until 1941 that the Commission made its first major expansion in information-education personnel. At that time education—work with youth and with schools—was assigned to a separate administrative section. Information remained a division in the administrative line-up, also with expanded personnel. This plan remained in effect until 1947, when for administrative purposes, information and education personnel were consolidated again as two sections under a single division chief.

With the 1941 reorganization, two trained educators were employed to form the nucleus of the new education section. One of these, the section chief, was F. Olin Capps, Ph.D., a former instructor in education at the University of Missouri. Capps had served as a member of the committee which directed the 1941 revision of the State Courses of Study in the natural sciences for secondary schools. After joining the Commission staff, Capps con-

tinued to work closely with the State Department of Education, helping integrate conservation in the revised Courses of Study for the elementary grades.

Capps held to the belief, shared by an evident majority of educators but disputed by some, that conservation should be integrated with the social sciences, natural sciences and other courses already on the public school curriculum. In other words, he believed that conservation doctrine and example should be made a part of all courses in history, government, geography, agriculture or other sciences. He opposed adding new or separate courses in conservation to an already crowded curriculum.

In 1941 and 1942 the Commission published a series of teacher's manuals on conservation. In addition to an introductory volume, these manuals, or teaching outlines, covered six subjects: Soils, Water, Forests, Birds, Mammals, and Fish. They were prepared under the direction of a committee composed of Dr. L. A. Van Dyke of the State Department of Education; Dr. R. K. Watkins and Dr. Rudolf Bennett of the University of Missouri faculty, and the educational staff of the Conservation Commission. The manuals have been used widely in Missouri schools and are still in popular demand.

#### The Missouri Nature Knights

In the spring of 1939 the Commission launched the "Missouri Nature Knights," a program which in the educational field compared favorably with the most successful field programs developed by the Commission's game section. Although obviously suggested by the Boy Scouts and other established youth organizations, the Nature Knights were not conceived as a new organization. It was emphasized that this was a system of supervised activities and awards that could be carried on from the schoolroom, or within existing organized groups such as 4-H Clubs, the J.F.A. Clubs of the Missouri Farmers Association, Boy Scouts and Girl Scouts.

A boy or girl became a "Page" in the Nature Knights by signing an attractive pledge card that had been designed for the Commission by the Walt Disney artists in Hollywood. Higher ranks were then earned through such activities as identifying wild plants and animals and learning the importance of each species, compiling conservation scrapbooks and libraries, writing conservation essays or making talks, feeding birds in winter, erecting bird houses, planting trees and wildlife food patches, protecting woodlands against fire, and helping control soil erosion.

For example, a Nature Knight could earn 200 points by identifying fifteen native Missouri birds, 500 points by making a wildlife survey and submitting a map and report on his home farm, 300 points for planting a wildlife food patch, 150 points by making

a talk on an assigned conservation topic, and 3,000 points for planting and developing a farm pond as a wildlife area.

Nature Knight projects were classified as "self improvement" or "activity." When a child had earned 3,000 points, including three self-improvement and two activity projects, he became a Squire and was entitled to wear a special badge.

A total of 15,000 points, including five self-improvement and five activity projects, earned the rank of Knight and a gold badge. Completion of ten self-improvement and ten activity projects, and a combined total of 30,000 points, entitled the youngster to the Conservationist medal, highest award offered.

As a result of skillful publicity and local promotion by the conservation agents, the Nature Knight program caught on quickly. By the end of 1941 a total of 4,116 boys and girls in 105 of Missouri's 114 counties had earned awards. By the end of ten years the number of winners exceeded 20,000. The program has been most popular and useful in the rural schools, of course, where the pupils have only to climb a fence or keep alert on their way home from school to find wildlife, and where they can carry out the field activities on the home farm.

Primary purpose of the Nature Knights was educational—to instill in the boys and girls an *appreciation* of nature and an *attitude* for conservation. But added up, their combined planting, seeding and feeding have amounted to no small contribution to the over-all wildlife program. Their seeding of Korean lespedeza is an example; to the Nature Knights must go a significant share of the credit for the fact that Korean now is an ubiquitous Missouri "native," growing in virtually every field and woodlot of the state. It is also one of the most important quail-food plants in Missouri.

The Missouri College of Agriculture and its Extension Service were only beginning to promote Korean lespedeza as a useful legume for pasture, hay and soil improvement in 1936. Given a block of points for each 20-rod strip of fencerow seeded with lespedeza, the Nature Knights planted a total of 863 miles of fences during the first three years, and added 200 to 300 miles every year since.

During the 12 months from July 1, 1949, to June 30, 1950, according to the Commission's annual report, the Nature Knights, among other activities, accomplished the following:

Established 81 one-acre wildlife areas with plantings of trees, shrubs and vines, each including a food patch and fenced for protection against grazing; helped develop 65 new ponds for fish and wildlife; seeded 454 quail-food patches; seeded 302 miles of fence row; planted 25,634 trees and shrubs; erected 1,661 bird houses and 156 squirrel den boxes; and helped establish erosion-control

measures along 7,228 rods of gullies. These, bear in mind, are the accomplishments of a single year.

### Growth of Education Services

By 1948 the Commission education section numbered ten employees, with an "educational adviser" stationed in each of seven regions of the state. These regions coincided with administrative districts of the Field Division (the conservation agents and field service agents).

The educational advisers worked principally with schools and teachers. Since 1942 they have been regularly scheduled on the programs of most of the teachers' planning meetings held annually in Missouri. At these meetings they discussed teaching methods, displayed conservation literature and teaching aids, and explained the Nature Knight program.

According to the Commission's annual report for fiscal year 1950-51, its educational advisers had a place on the program of 107 teachers meetings attended by 6,695 teachers. During the same year they assisted in 10 conservation workshops which were "organized and conducted in cooperation with local county superintendents, the state supervisor of education, farmers, foresters, soil experts, wildlife technicians, interested laymen and the teachers themselves." During the same year, according to the report, the advisers made 2,296 school visits, and in the summer months assisted in 107 summer camps attended by 14,514 boys and girls.

### Informing the Public

The quarterly *Conservationist* was changed to a monthly magazine with the April 1943 issue and thereafter became one of the Commission's most effective media of selling the conservation program to the people. A streamlined format, copious use of art and high-quality photographs and professional editing have combined to establish the magazine's popularity. Most of the articles have been contributed by department personnel possessing literary ability—information-education staffers, biologists, foresters, section and division chiefs—although outside writers are frequently used. The editors have been trained journalists with previous newspaper or magazine experience.

The Commission's freedom from partisan allegiance has been another factor contributing significantly to the magazine's usefulness. In contrast to comparable magazines published by the game and fish departments of some other states, the *Missouri Conservationist* has never been used as a propaganda sheet for the aggrandizement of individuals. Issue after issue has appeared with never a personal reference to, or photograph of, Director

Bode or members of the Commission. Permitted to hew to the line of accurate and impartial reporting of wildlife and forestry conditions and interpretative presentation of conservation developments, the editors have won public confidence in their product.

Since it became a monthly, the *Conservationist* has been distributed without charge to any Missourian who asked to be put on the mailing list. Without promotion, the circulation has increased steadily—from 10,000 in 1943 to more than 50,000 in 1951—the cost defrayed in the information-education budget which, in recent years, has run about 6 per cent of the Commission total. The free circulation list has been cleared annually by a system of post-card checking; readers were required to return a card if they wished to be kept on the mailing list.

The production of technical and popular reports, bulletins and pamphlets on various phases of wildlife management and forestry is another part of the information-education program. Such publications usually originate with the research biologists, technicians and administrators of the game, fish and forestry divisions. More than 60 such bulletins were available to the public in 1951.

The Commission has continued to produce its own motion pictures, which it distributes along with many secured from other sources, though a film-loan library. Movies produced by the information section have ranged from the original, documentary "Back to Missouri" to a variety of nature study shorts and how-to-do-it films on farm-pond management, predator control, forest fire fighting and similar subjects. Recently some excellent films combining natural history and management doctrine have been produced on certain game species, such as prairie chicken and bobwhite quail.

Radio was used experimentally and sporadically during the early years but never systematically until 1950. That year it was found that local radio stations would welcome programs presented regularly by the field personnel—conservation agents, field service agents, foresters. The information section began preparing regular scripts which were presented by the local "conservation commentators," whose 15-minute periods were donated by the stations as a public service.

In 1951 the regular information staff included the section chief, who also serves as editor of the *Conservationist*; three other specialists in publications, radio and exhibits; a photographer and four stenographers. Additional personnel is added each year during the exhibits season.

Except during the war years when the state fair and many local celebrations were discontinued, the presentation of exhibits

has been a major activity. Two mobile trailer-exhibit units were developed in 1948 and 1949 for use at county fairs. For the major shows—such as the State fair, regional fairs at Springfield, Cape Girardeau and Bethany, and the St. Louis Sports, Boat and Travel Show—the fish and game, forestry and field divisions help prepare and attend the displays. Local sportsmen's clubs frequently assist with exhibits at the smaller fairs.

### The Field Service Agents

In 1938, fired-up chapters of the newly reorganized Conservation Federation of Missouri, composed of impatient sportsmen expecting near miracles from the non-political Commission, were demanding action. They wanted to know, among other pointed questions, what the Commission proposed to do to restore raccoon and deer and wild turkey, how soon would quail shooting improve, what new regulations were proposed. A repeated refrain was: "What can our club do to help?"

In an effort to meet the public demand for information and guidance, the Commission appointed one "field service agent." His duties pyramided so fast that by 1940 he had been joined by three colleagues. The four agents were given regional assignments—Southeast, Southwest, Northwest, and Northeast. Their function, according to the 1941 report of the Commission, was "to give assistance to organizations or groups interested in wildlife conservation, so that they may be better able to undertake constructive projects and carry them to successful completion." They also became, as the program unfolded, a liaison group between central office and field force on project activities.

At first the field service agents worked under the division of fish, game and forests. In 1944 they became a separate section under the Director's office. Three years later, at the time of the merger of information and education into a single division, field service was consolidated with the protection agents in the Field Division. In 1951 there were nine field service agents with regional assignments and one with a statewide assignment, in addition to the section chief.

Field service agents have been called public relations men, and the Commission's "trouble-shooters." They have been more than that. They have served as a tactical force which could be thrown into any project or campaign when public understanding and cooperation were essential to success. Thus when the farm pond program boomed after 1944, the field service agents spearheaded the follow-through to reap the most benefits for wildlife management. They carried the field burden of organizing the pond-planting and pond-fertilizing demonstrations, working with the county agricultural extension agents and conservation agents. In

1948, a typical year, they conducted pond-owner meetings in 44 counties.

Working with sportsmen's clubs, service clubs, farm organizations, church groups, industrial and labor organizations, vocational agriculture classes, farm-youth clubs, boy scouts and Nature Knights, they have advanced the whole, broad program, from soil conservation to ethical conduct among hunters and fishermen.

One particular responsibility of field service has been liaison with other government agencies in the land-use field. The agents have worked with the Soil Conservation Service in providing the wildlife phases of farm planning, and with the Extension Service to insert wildlife techniques in the "balanced farming" program. They kept in close touch with state and county committees of the A.A.A. (later the P.M.A.) whose conservation payments to farmers for pond building and certain other practices have followed recommendations of the Conservation Commission.

Field service agents have been selected for their public relations talent and their versatility—their ability to comprehend and translate all phases of the conservation program, from terraces to technical game problems. Nine of the eleven men serving the section in 1951, including the section chief, were former wildlife conservation agents.

## Chapter XV

### RIVER DEVELOPMENT HEADACHES

AS ENTERPRISING white man populated the American continent, building farms, cities and fortunes, his short-sighted and often greedy misuse of the land was one of the major factors depleting wildlife. Much of the depletion was inevitable, of course; it may be ascribed simply to competition for space and food. There was no room on the plains, for example, for both bison and cattle. But bad farming and lumbering unnecessarily robbed the soil and destroyed habitat for game. For aquatic wildlife—the fish and the birds and mammals and other creatures that depended upon the streams and flood-plains for all or part of their habitat—the impact was equally terrific. The results of land use which speeded water run-off, adding to floods, drouths and siltation, have been discussed in previous chapters.

Aside from the indirect influence of his land-use blunders, which was catastrophic enough, man's direct attempts to improve or control water resources also have proved disastrous to wildlife. Sometimes they damaged or destroyed other resources which he needed and prized—even agricultural lands and underground water tables. Ill-advised drainage of marshes and sloughs not only decimated waterfowl and money-making furbearers, but wasted water. Stream-straightening projects—one method of coping with floods by treating the symptoms rather than the cause—have destroyed untold wildlife habitat and compounded flood problems downstream.

Water storage projects and plans, which reached grandiose proportions after 1936—well, these have brought new problems for conservationists probably foreseen by few, if any of the promoters of the conservation amendment.

About 1938 the Missouri public became aware of federal proposals to build some thirty huge flood-control or "multi-purpose" impoundments on Missouri streams. This was in the days when Franklin Roosevelt's New Deal was trying to pull the nation out of business depression; big public works to provide jobs and to prime the economic pumps was the order of the day. Congress had directed the Army Engineers to devise flood control for the Mississippi basin. Levees had failed, so the emphasis was shifted to storage. District engineers were instructed to set their personnel at work finding all the places where big dams could be built.

### The Battles Lines Are Drawn

About twenty-five of the reservoir sites originally staked out in Missouri were in the Ozarks, where narrow valleys lent themselves to damming. When Congress actually appropriated money to start building Wappapello reservoir on the St. Francis River, and in 1938 authorized a half-dozen or so other Missouri-dams, the public began to prick up its collective ear. Opposition sprang quickly from these sources:

1. *Sportsmen's groups*, who looked fondly upon the clear, swift-running Ozark streams with their smallmouth bass and unique "float-trip" fishing. The proposed dams would have turned every major float-trip stream into one or more large reservoirs with fluctuating water levels.
2. *Women's garden clubs and other conservationists*, who noted with alarm that some of the dams would inundate Big Spring in Carter County, spectacular, largest single spring in the nation, and flood other scenic springs and state parks.
3. *Farmers*, backed by their organizations, whose homes and farms would be permanently flooded; small towns that would be wiped out.
4. *Business and civic leaders*, who saw in the whole program a bad deal for Missouri. This state, it seemed, was expected to sacrifice a substantial portion of its alluvial farm lands, as well as certain valuable mineral deposits, timber resources, and unique recreational assets that were attracting a growing tourist trade to the Ozarks. Scant benefits were seen for Missouri. Most of the projected flood-control and navigation benefits were calculated to accrue in Arkansas and along the lower Mississippi. Federal engineers admitted the hydro-electric potential of Missouri streams was of little account except as an incidental benefit.

Who were the proponents? Among them were the downstream victims of past floods, who grasped at any straw of promised relief, and Mississippi River navigation users and promoters. The latter maintained active lobbies in Washington to support the reservoir bills and Army Engineer appropriations.

In addition, every proposed project attracted its coterie of local boosters. These included real estate dealers and businessmen who correctly foresaw a local boom while the dam was under construction, and some sincere individuals who looked upon any huge engineering project as a mark of progress, *per se*. In recent years associations of farmers fostered by the Rural Electrification Administration have favored those projects at which hydro-power installations were proposed. They argue that additional public power would force down the cost of electricity.

The new Conservation Commission soon was faced by a demand, voiced especially by the sportsmen who were its principal patrons, that it take a stand opposing the dams. The Commission held that the authority to appraise the dams on the basis of their major purposes, flood control and navigation, could not be found in the amendment. At a meeting in the spring of 1939, the Commission adopted the following policy statement:

"The Conservation Commission is charged by the Constitution of the State of Missouri with the duty of restoring and conserving the bird, fish, game, forestry and all wildlife resources of the State. The Commission, therefore, will endeavor to advise the people as to the significance and effect upon these resources of the construction of dams in the streams of the State, or as to the significance and effect of other water-control projects such as flood control, sanitation or drainage, and it will not concur in the construction, maintenance and operation of such projects unless provisions are made in connection therewith, such as it feels are adequate and justified to protect and conserve the wildlife resources which would be affected.

"There has been an erroneous impression that the Conservation Commission is opposing flood control, hydro-electric development, and drainage. This is not the case as the Commission feels that it is for the people themselves to decide which of the proposals for general human welfare are most essential . . . If it is decided that these developments are essential to human welfare and progress, and if in creating them it is decided it is too costly to incorporate some of the safeguards that are essential for preservation of the aquatic resources, then it should not be forgotten that, after all is over, it is highly unreasonable to turn to the Conservation Commission and expect them to accomplish the impossible out of conditions over which they have . . . no control . . ."

#### The Federation's Opposition

The Conservation Federation of Missouri was the first statewide group to rally the opposition. The Federation's board, at a meeting Oct. 15, 1939, authorized a statement beginning as follows:

"The Board of Directors of the Conservation Federation of Missouri, an organization composed of 10,000 members organized by chapters in 107 counties, views with alarm the proposed building of thirty large flood control dams by the United States War Department using federal funds, and calls on the people of Missouri to give serious consideration to the threatened destruction of natural resources and the resulting loss of many economic and recreational values."

The "erroneous impression" regarding the Commission's stand, noted in the policy statement quoted above, no doubt stemmed from the Federation's activity. Because of the Federation's early identity with the movement which created the Commission, and

because of the similarity of names, a segment of the public—that segment which reads and listens not carefully—persistently confused the organization with the state agency.

The Federation's fight against the dams, particularly the Ozark projects, was unrelenting. State organization and local chapters carried the battle to the press and platform, into public hearings held by the Corps of Engineers, and to Congress. It summoned the aid of national organizations—the National Wildlife Federation and Izaak Walton League of America—and was joined by strong allies, among them the farmers' organizations.

### The State Takes a Hand

The legislature in 1943 created a state agency which was authorized and ultimately equipped to study and advise the people regarding all phases of the proposed federal projects. This was the Resources and Development Commission, which organized its activities under several administrative sections including one designated to handle flood-control and water-development matters.

A 1944 Act of Congress required the federal agencies to submit reservoir plans for review to the governor of the affected state. The governor's opinion was in no way legally binding on the federal government, but his approval or disapproval, if forthright and vigorously advanced, could become a powerful persuasive force affecting the ultimate decision of Congress. Missouri's governor promptly designated the water section of the Resources and Development Division as his agency to review the federal plans and advise him regarding their effect on the state's people, economy and resources.

In 1946 Governor Phil M. Donnelly exercised his prerogative by turning thumbs-down on a huge reservoir proposed near Osceola on the Osage River. The state's objection was on the grounds that the inundation of 200,000 acres of fertile land and valuable mineral deposits (mostly coal) could not be justified by the probable benefits. Governor Donnelly then took the lead in organizing a new study of the Osage basin for the purpose of coming up with an alternate plan. All interested state agencies, including the State College of Agriculture, Resources and Development Division, Conservation Commission and the Division of Geological Survey and Water Resources, participated in the survey, along with the Corps of Engineers, the U. S. Department of Agriculture and other federal agencies. W. C. Etheridge, faculty member of the College of Agriculture and an intimate adviser of the governor, served as chairman, or coordinator, of the study.

The resulting new plan substituted nine smaller reservoirs in Missouri and Kansas which together would inundate less land than three large impoundments originally planned. Revolutionary

feature, so far as federal river planning was concerned, was a proposed basin-wide program of soil conservation and upland water control, designed to be installed coincidentally with the reservoir system. Additional new phases covered wildlife and recreation, forestry, highway relocation, and other interests.

Another huge reservoir had been planned by the Army Engineers at Chillicothe on the Grand River in northern Missouri, a rich agricultural area. This dam had been authorized by Congress in 1938, but later met determined local opposition. Two smaller reservoirs had been proposed farther up the watershed.

A comprehensive study of the Grand similar to the Osage resurvey was launched in 1948 under Donnelly and was completed under the active leadership of Governor Forrest Smith, who took office in January 1949. The report of the cooperating state agencies on the Grand River Basin was submitted to Smith Dec. 12, 1951. "The plan outlined herein," stated Coordinator Etheridge in his letter of transmittal, "includes programs for watershed treatment, flood-control reservoirs, channel rectification and straightening, levees, drainage, hydro-electric power potentials, and conservation storage."

The proposed land-treatment program, the report summarized, offers its greatest benefit to the land itself and would "materially increase the wildlife resources of the basin." As for a proposed six-reservoir flood-control system designed by the Army Engineers, the report declared:

"Existing federal laws and policies are not flexible enough to consider all phases of resource planning (and this) is particularly true in regard to fish and wildlife. The plan herein analyzed is primarily for flood control. The wildlife resources were not ignored, but no basis was provided for conservation and development of wildlife on an equal footing with other interests . . ."

The Grand River report also pointedly questioned the soundness of Army Engineer methods of computing benefits in flood control and navigation, by which a cost-benefit ratio was arrived at for justification before Congress.

#### The Current River Issue

The unity of thinking and action achieved by the state agencies made possible Governor Smith's reasoned and forceful statement in 1949 placing the State squarely against "any reservoir or dam on the Current River." The Current is considered by many the epitome of the Ozark stream treasures. The governor's statement was presented at a public hearing held by the Army Engineers Oct. 12, 1949, at Newport, Ark. Significant excerpts follow:

Although sufficient study of the Current River Basin has

not been made on which to base a complete pattern of resource development, certain valuable resources are predominately in evidence and certain definite trends in proper development are indicated. Until such time as National policy becomes comprehensive enough to include consideration of all these resources and indicated trends, the State can not approve any project by the Federal Government which may prevent proper resource development in the area.

The State favors sound resource development and in no way seeks to offer any obstacle to such development in the White River Basin of which the Current River is a part. The State recognizes the value of upstream flood water storage to downstream interests. It should be pointed out that existing projects including Wappapello, Clearwater, Norfork, and Bull Shoals do provide for such storage. It would appear that Missouri has in no way shirked her responsibility in providing flood control storage in the National interest. The State further recognizes the true value of hydro-electric power production. The State contends, however, that broader considerations transcend these values in the Current River Basin.

The natural scenic beauty and attractions peculiar to the area make the Current River Valley of ever increasing value to the State and to the Nation as a recreational area.

The type of recreational demand which this area fulfills can not be satisfied by the reservoirs. The State parks, the fish and wildlife resources and especially the large springs of the Current River Valley are unique and irreplaceable.

A good land management program including proper reforestation and forestry management should be accelerated. Such a program is not offered as a substitute for flood control deficiency. However, such a program would enhance the local economy, improve recreational, fish and wildlife resources, and contribute to the National timber supply. This would appear to be of much more value to the region, to the State, and to the Nation than any flood control storage that might be placed on Current River.

There are streams with natural attributes which, in their total, are so unique as to warrant the preservation of the streams, simply because they are unique. If all other factors were ignored, it is apparent that the Current River is such a stream. This proposal to impound the waters of the Current River has even broader and more serious implications. It emphatically points to a deficiency in National policy which ignores such values in planning for comprehensive development.

The State contends that if all the costs, damages, and benefits, both tangible and intangible, are considered, the reservoirs would not be justified under any circumstances.

In 1950 the State Agencies also frowned on three proposed dams in the Meramec basin, holding them up as another example of inadequate federal planning. The plain-spoken position of official Missouri, plus demonstrations of local opposition at public hearings, undoubtedly forced temporary abandonment of federal plans

to seek Congressional approval and appropriations for the Current and Meramec projects.

### The Wildlife Coordination Act of 1946

In 1946 Congress yielded to growing demands for consideration of wildlife in river development and passed the so-called "Coordination Act." This law requires the dam-building agencies to consult with the U. S. Fish and Wildlife Service and state game departments regarding authorized projects "with a view to preventing loss of or damage to wildlife resources." The act also provides for such wildlife use of the impoundments and surrounding federal lands as would be "consistent with the primary purposes of such impoundment, diversion or other (water) control."

Actually the 1946 law does not require the Army Engineers or Bureau of Reclamation to alter any of their basic plans in deference to wildlife interests. The primary purposes remain—so far as federal law and authorizations exist in 1952—flood control, navigation, hydroelectric power or irrigation. But at least it has served as a device for getting authoritative opinions regarding the effects upon wildlife into the reports which Congress presumably studies before appropriating for construction.

In connection with Army Engineer projects in Missouri, the Conservation Commission has worked closely with the federal Fish and Wildlife Service in making the studies and reports required by the Coordination Act. Since 1946 the Commission has kept one or more biologists assigned full time to the task, and to liaison with the Army Engineers. Larger crews have been assigned at times to cooperative work with other state agencies in the Osage and Grand river surveys.

Missouri's determination to be heard in regard to federal river projects, and her official insistence that such planning should take into careful consideration all resource values and their interrelationships, have constituted, in this writer's opinion, a development of nationwide significance. It has influenced the course of the "Pick-Sloan plan" for the Missouri River basin. It also set a pattern for the Arkansas-White-Red Basins Inter-Agency Committee which was created under a 1950 act of Congress to work out acceptable plans for three great watersheds affecting southern Missouri, Arkansas, Oklahoma and other southwestern states.

## Chapter XVI

### WHAT OF THE FUTURE?

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THE salient fact confronting wildlife management since World War II has been a spectacular increase in hunting and fishing pressure. Except for minor fluctuations perhaps creditable to economic conditions and annual weather vagaries, the number of licensed hunters and fishermen in Missouri changed little during the decade preceding adoption of the conservation amendment. In 1936, the last year under the political department, licenses were issued to 252,822 sportsmen. Thereafter the number of permittees increased annually at a rather steady rate until by 1941 there were 393,167. During these years the upswing was viewed with satisfaction but with no great surprise. Economic conditions were improving; more people had the money to buy guns, tackle and gasoline. The work-week was becoming shorter, annual vacations longer. At the same time more efficient enforcement by the Commission's conservation agents no doubt persuaded former "free riders" it was wiser to obtain permits than try to outwit the "game warden." There also was some improvement in game populations to attract new hunters, and in 1940 women anglers were required to have fishing permits for the first time.

On Dec. 7, 1941, the Japanese bombed Pearl Harbor and America was plunged into global war. As mobilization of manpower began in earnest and travel was restricted, it seemed that hunting and fishing activities would necessarily decline. Surprisingly, however, the trend turned downward in only one war year—1943. That year 351,546 permits were issued in Missouri, 12 per cent fewer than the 401,402 total of 1942.

The upward trend was resumed the very next year. Permit total in 1944 was 386,159, with the state's first open deer season in eight years adding 7,557 special deer licenses to the aggregate. In 1945, the year the war ended, the total jumped to 458,354, giving a forewarning of what was to come.

Demobilization brought a boom. Released from war tensions, shortages and restrictions, civilians grabbed tackle and guns and headed for the out-of-doors. Returning veterans joyously joined them in a swelling throng. In 1946 the number of hunting and fishing permits soared to 632,737—an increase of 60 per cent over the last pre-war year. Revenues to the department topped a million dollars for the first time.

In 1947 the Commission, faced with rising prices, cost-of-living salary increases and the necessity of personnel expansion and

extraordinary efforts to cope with the new army of sportsmen, put into effect a general increase in fees. The \$1 county hunting-fishing-trapping permit was doubled in price. The statewide combination license was boosted from \$3 to \$4; statewide hunting from \$2 to \$2.50; statewide fishing, \$1 to \$1.50; deer tag, from \$3 to \$5. Non-resident fees also were increased in proportion. Total permits slumped slightly in 1947—to 614,293—but the higher fees insured a large increase in revenues. Receipts reached \$1,516,182.

In 1948 permit sales started climbing again. In 1949 they went to 738,965. In 1950 they totaled 756,449; in 1950, to 756,449. In 1951 permits totaled 763,822, yielding revenues of \$1,872,431.

From 1940 to 1950 while the state's population was rising only 4½ per cent, the number of hunters and fishermen licensed in Missouri more than doubled. The increase was actually 120 per cent. The Missouri trend outstripped the national increase in license sales, which was 80 per cent from 1940 until 1950, according to figures compiled by the federal government.

#### The "Sportsman-Farmer Problem"

If anyone thought Missouri's wildlife problems were well on the road to solution, once the new Commission had cleared its early legal and political hurdles and emerged from the trial-and-error period, he must have been jolted from complacency by the post-war pressures. The public stampede to the woods, coverts and fishing waters brought perplexing problems. Chief among the new headaches was where to put all the hunters and fishermen—how to find places for them to pursue their sports.

Their jostling competition sometimes marked by flagrant disregard of the rights and feelings of landowners, the growing army of sportsmen suddenly found the farmer's welcome characterized by something less than enthusiasm. The posting of lands spread rapidly, especially in regions surrounding the cities. Some farmers posted out of sheer exasperation or in self-protection; others saw a chance to commercialize and leased hunting or fishing rights to an individual or group willing to pay for the privilege.

This matter was commonly referred to as the "sportsman-farmer problem." Conservation clubs devoted special projects and campaigns to "sportsman-farmer cooperation." The assistant director of the Conservation Commission delivered a paper on the subject at the 1950 North American Wildlife Conference in San Francisco. His paper, entitled "And a Little Poster Shall Teach Them," tossed the hot potato right back to the sportsmen, suggesting better behavior, and a posting system stressing "hunting by permission only."

The problem, of course, was not peculiar to Missouri. As noted above, other states also were experiencing a boom in outdoor

recreation. The more populous and urban the state or region, the more difficult became the problem of places to hunt and fish. It was primarily a problem for the city sportsman. His small-town cousin knew the farmer personally, was accorded hunting privileges on a friendship or favor-swapping basis, perhaps had relatives living on the land. Once was a time when most city residents could claim rural relatives, but not any more. A large percentage of the present generation of city dwellers have lost all connection with the land. They are strangers in the country.

### Outlook for the City Sportsman

The average city sportsman—the man who cannot afford to own a share in a private duck marsh, or build his own fishing lake, or lease the hunting rights on a section of land—what is he to do? As the decade of the 1950's opened, it appeared likely that he would be changing some of his hunting and fishing habits. The prospects were not altogether gloomy, by any means.

He probably will be doing more fishing and less hunting as the years go by. The total area of wild game range can be improved, but for the most part, only at the will of the landowners and in accordance with their priority uses of the land. On the other hand, it is comparatively easy to create new fishing waters in the form of ponds and lakes, and it is now known that impounded waters, properly managed, can stand more rod-and-line pressures than was formerly dreamed. Moreover, the major streams and the big impoundments will remain government property, and therefore open to public fishing. It seems safe to predict, therefore, that the average city sportsman will be devoting more time to rod and reel, less to gun and dog.

He will continue to do some hunting, of course, and chances are an increasing proportion of it will be found on public shooting grounds, owned or leased and managed by the State. Missouri being what it is, with its Ozark deer range, the nimrod of St. Louis, Kansas City, Springfield, or other Showme city, probably will be turning more to big game and forest game, less to farm game, for his gunning sport.

Missouri's popular game bird of the farm lands, the quail, will not be crowded beyond a certain density, even under optimum conditions. Moreover, croplands can stand only so much trampling by hunters, livestock herds only so much disturbance, before the whole process becomes an economic detriment to the farmer. In other words, the farm lands can accommodate only so many hunters. The breaking point has already been reached, or exceeded, in many counties.

When the Conservation Commission discontinued legal deer hunting in 1937 and started to pinch off the poaching, the state's

total whitetail herd was estimated at about 2500 animals. The legal bag in the preceding five open seasons had averaged less than 100 bucks per year. Legal deer hunting was resumed in 1944 with a two-day season and total bag of 564 bucks. In 1952, during a three-day season in which deer of any sex were legally taken in 23 of the 42 open counties, resident hunters bagged more than 7,500 animals. Missouri seemed destined to become one of the nation's major deer-hunting states. An annual harvest of 20,000 deer seemed entirely likely within another ten years.

Fortunately for Joe Hunter of the Big City, much of the deer range will be public hunting lands—national forests and state forest lands. These deer woods are not farmlands; they can stand crowding by hunters for a week or few weeks of the open season. So if Joe can't find a place to go quail or rabbit hunting in future years, he can take it out in deer hunting.

For such waterfowl shooting as he can squeeze in, our city friend will find himself largely dependent on public-shooting areas, where he will await his turn and draw his blind by lot. He may even find a little small-game shooting on public areas, but here the possibilities seem quite limited—unless the patron is content to pay the price for pen-reared birds released just ahead of his gun. But he can train his bird dogs and hounds, and match them in field trials, on public-use areas.

#### Missouri's Public-Use Areas

The Conservation Commission began developing its first major public-use areas immediately after the war. In the September 1945 issue of the *Missouri Conservationist*, the Commission announced an "action program . . . to meet the demands of an expected post-war boom in outdoor recreation." Among the proposals were a series of new public-fishing lakes to be constructed in various parts of the state, and waterfowl areas for public shooting.

Land acquisition for the first major project started in 1946—a 276-acre fishing lake near Princeton in north central Missouri. Because some scholar came up with an Indian word meaning "first," it was named "Lake Paho" and was first opened for fishing in 1951. The first water-fowl shooting area was started in 1946 and yielded ducks to its first hunters in 1948. This was the 3,433-acre Fountain Grove waterfowl area, with 2,150 acres of manageable marshland, also in north central Missouri but two counties south of Paho.

Outstanding among the public-use projects is the August A. Busch Memorial Wildlife Area about 30 miles west of St. Louis. This tract was once part of 15,150 acres used by the government for TNT production and storage during World War II. The Commission acquired 6,944 acres in 1947 after the TNT plant was de-

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clared surplus property. A \$75,000 gift by the estate of the late August A. Busch of St. Louis helped make the acquisition possible.

By 1951 thirty-two small lakes with a combined water area of 140 acres had been built on the Busch area for public fishing. Field trial courses and kennels, archery ranges, and other recreational facilities had been developed. The total area was managed as a demonstration of the integration of agricultural, forestry and wildlife uses. Handy to the city, it was being used by rapidly increasing thousands of recreation-hungry St. Louisans.

A combination waterfowl-shooting and public fishing project, designated as the Trimble area, about 30 miles each from St. Joseph and Kansas City, was expected to be ready for hunters in 1952 and for anglers in 1953. A third duck-shooting area was scheduled for development in Stoddard County near the new Mingo Federal Wildlife Refuge.

The Commission also was operating several public areas for special uses, including three famous trout-fishing parks—Bennett Spring, Montauk and Roaring River—and public fishing and shooting areas in cooperation with federal agencies along the upper Mississippi River.

### Trends in Wildlife Regulation

In general Missouri game populations stood up well under the post-war pressures. Some species, notably deer and raccoon, continued to increase, despite relaxed regulations. As noted above, the buck law was abandoned in 15 counties in 1951 and Missouri hunters took does legally for the first time since 1908. The popular raccoon, favored by a poor market on long-haired fur, may have reached the peak of a cyclic upswing about 1949-50. A seasonal bag limit on coon, instituted in 1940, was discarded in 1948.

The traditional Nov. 10-Dec. 31 quail season remained unchanged. A possession limit of 15 quail was revised in 1948 to conform with the daily limit of 10. In 1952, after a droughty nesting season which cut the bird crop, the limit was reduced to 8.

Cottontail rabbits, the state's most abundant game mammal, showed downward trends—trends transcending the 6-year cycles which the species is believed heir to—in certain regions, but it is questionable whether hunting pressures or land use were chiefly responsible. Rabbits were still populous enough to permit widespread market hunting and trapping in 1951, but there were indications the practice might soon be curtailed or abandoned. The state's first closed season on cottontails was established in 1949—

from March 1 to May 29—not much of a restriction because little hunting was ever done in the spring months.\*

Squirrels, the third most important small game species (ranking next to rabbits and quail) were still plentiful in most forests and farm woodlots. The May 30-Nov. 30 open season and 6-per-day bag limit seemed to have little effect on annual bushytail crops. Some years, if mast crops were short, the squirrels were down. Following years, if food was plentiful, they were up.

Foxes remained abundant enough to cause trouble. Beaver, once almost gone from Missouri, had spread to all the major watersheds and were legally trapped in localities where they were causing crop damage. Most other furbearers were at least holding their own, subject to cyclic or epizootic fluctuations not yet fully understood, although the coveted mink had never regained a status to be considered out of danger. Otter remained an oddity, making the newspapers whenever one was reported.

As noted in an earlier chapter, discoveries by the research men ushered in an era of liberal regulations for hook-and-line fishermen. The trouble with most ponds and lakes, it was learned, was not too much fishing pressure, but too little. Fish are all prolific spawners, and many species, particularly the so-called panfishes, tended to overstock themselves and became stunted.

In 1947 the Commission removed length limits from all species except black bass, channel catfish and walleye pike. The purpose was to throw more pressure on the smaller-sized of the stunting varieties, such as crappie and bluegill. This action caused nary a lifted eyebrow, so far as public reactions could be discerned. But when length limits were removed also from bass, channels and walleyes in 1948, some sportsmen's groups cried out in horror. It went decidedly against the grain of many veteran anglers, long schooled in the tradition that it was both sporting and good conservation to "throw the little ones back," to see "undersized" game fish on the stringer. The issue was hotly debated in the 1949 convention assembly of the Federation, which finally recommended, on a split vote, that the Commission restore length limits on black bass.

The Commission, backed by the findings of its technicians, stuck by its guns. The length limits stayed off because, it was pointed out, they served no useful purpose but rather threw the brunt of angling pressure on the few whoppers whose predaceous presence was needed to keep more prolific species in check. Only a tiny minority of the six-to-eight-inch bass ever reach whopper size, the scientists declared, due to predation, starvation and other

\* On January 29, 1953 the Commission acted to ban all commercialization of cottontails, and restricted open seasons to May 30-July 15 inclusive and from November 10 through February 28.

natural losses. Some of the abundant crop of younger and smaller fish could safely be harvested without affecting the numbers destined to reach maturity.

In 1950, by definition of "private waters," the Commission placed farm ponds on a year-around fishing basis. In 1951 the year-around season for all species was extended to all impounded waters and certain "problem areas," including oxbow lakes, Mississippi navigation pools and the southeastern lowland country with its numerous drainage ditches.

Seasonal restrictions were kept on streams because research findings indicated the open watercourses were less subject to overpopulation, more subject to overfishing.

The entire concept of regulation has changed since the earlier days, when closed seasons and bag limits were imposed as a restorative measure. The Walmsley law and the elimination of market hunting didn't even check the down-trends, much less restore anything. It is now seriously doubted that market shooting was an important factor of depletion, although of course commercialization had to go; it was intolerable alongside the growing recognition and use of wildlife as a recreational resource. No accurate comparisons are possible, but it is to be doubted that all the market gunners of 1900 could level as much pressure on game stocks as the legions of sport hunters in 1950. The real villain was habitat destruction.

Regulation is now regarded as chiefly important as a means of *rationing* the harvestable wildlife surplus—to spread the sport as far and fairly as possible among the licensed users. To the enlightened sportsman of the 1950's, the important product of the day afield is the sport; the meat it nets for his table is of minor significance.

All possible protection is essential, of course, when a species is wavering on the brink of extinction, as were deer in Missouri in 1937, and as are wild turkey and prairie chicken to this day. But closed seasons alone won't bring them back—the turkeys and prairie chickens are proof of that. It takes habitat restoration, and that depends on land-use factors often beyond the control of the wildlife agency.

For this very reason, there seems more hope for wild turkey in Missouri than for prairie chickens. The Ozark forests—protected from fire and overgrazing—may once again provide turkey hunting. But no one can envision the day, agricultural trends being what they are, when restoration of permanent, uncropped grasslands may bring the prairie chicken back to abundance.

### Growth to Keep Pace

The growth of public interest in the wildlife and forestry programs, coupled with the flood of new revenues as permit sales increased, was reflected in the expanding personnel of the Conservation Commission. In 1939 the department listed a total of 104 employees. On July 1, 1951, there were 416. These included 96 officers in the Protection Section, compared to 43 in 1939; eleven in the Field Service Section; 124 in the Fish and Game division; 142 in the Forestry Division. Perhaps indicative of a trend toward higher personnel standards was the fact that college degrees were turning up frequently among the protection agents. In a training class of ten new conservation agents at the beginning of 1952, four had degrees in wildlife management or agriculture.

### Problems Still Unsolved

Despite the progress in forest protection, annual fires remained a tremendous destroyer of wildlife habitat as this volume was completed. Too many farmers still apply the torch, not only in the Ozarks, but in the agricultural regions of northern Missouri as well. Fire, used to clear before the plow, consumes humus needed in the soil. It also strips the fencerows and meadows and woodlots, leaving upland wildlife no place to flee or nest. It hastens erosion, adding to the load of silt which chokes the streams.

Soil conservation agencies point with pride to new terraces and contoured crops—and truly great progress has been made—but overgrazing is the latest vehicle of erosion. Missouri's expanding livestock industry, with its pastures stripped to the mineral soil, has encroached steadily upon wildlife production. The effects have been especially evident in the Ozark border counties, once noted for quail abundance, where dairying has blossomed in the past decade.

How to harmonize game management with dairying is a problem for the wildlife researchers during the 1950's. Elimination of overgrazing must be the answer—is, in fact, essential, if livestock production is to be maintained. It is encouraging to note that in 1951 and 1952, the Agricultural Extension Service was devoting increasing attention to pasture improvement methods.

Another major problem as yet unsolved is stream pollution. The State Division of Health and the Conservation Commission, by dint of moral suasion and skillful use of such legal tools as were available, had made laudable progress in spots, cleansing municipal sewage and industrial waste. But in 1952 the state was still losing clean waters to the pollution evil faster than befouled waters were being restored. Missouri's pollution control laws were woefully weak. Here was a place for public opinion to invoke assistance by the Legislature.

## MEMBERS OF THE COMMISSION

JOHN F. CASE, Wright City. Appointed July 1, 1937, for two-year term. Born Sept. 30, 1876, in Lyon County, Minnesota. Resident of Missouri since 1888. Editor and postmaster, Whitesville, Mo. (1901-1913); president, State Board of Agriculture, and director, Missouri State Fair, (1922-1933); member, University of Missouri Board of Visitors (1921-1937); past president, Missouri Corn Growers' Association; president, St. Louis Agricultural Club (1930-31); editor, Missouri Ruralist (1913-19...); author of "Tom of Peace Valley," "Under the 4-H Flag," "Banners of Scoutcraft," and many serials and short stories. Married; four children.

WILBUR C. BUFORD. Appointed July 1, 1937, for four-year term. Residence at time of appointment, St. Louis. Born July 20, 1905, at Centerville, Mo. Studied law at Universities of Missouri and Alabama. Admitted to bar March, 1928, and began practice with his father, State Senator Carter M. Buford, of Ellington; associated with Judge Hiram Moore, St. Louis, and Roy McKittrick, Salisbury, becoming assistant attorney-general when the latter became attorney general; Missouri Game and Fish Commissioner (1933-1937); during same period acting state forester and procurement officer, National Park Service. Prosecuting attorney, Reynolds County, 1950 until time of death. Died of heart attack Nov. 7, 1951, at home of parents in Ellington.

E. SYDNEY STEPHENS, Columbia. Appointed July 1, 1937, for four-year term; reappointed 1941 for six-year term. Served as chairman of Commission continuously through both terms. Born Sept. 4, 1881, at Columbia, Missouri; died Oct. 17, 1948, at Columbia. Graduate of University of Missouri, 1903, with A.B. degree, and of Harvard University with A.B. degree. President, Missouri Stadium Corporation; member, Board of Managers, Missouri School for the Deaf (1923-1931); chairman, Associated Taxpayers' Committee of Missouri (1928-1931); director, National Reemployment Service of Missouri (1933-1936); president, Restoration and Conservation of Missouri (1935-1937); president, E. W. Stephens Publishing Company, Columbia.

ALBERT PRESTON GREENSFELDER, St. Louis. Appointed July 1, 1937, for six-year term. Born July 6, 1879, at St. Louis, Mo. Graduate of Washington University, St. Louis, 1901, with degree of B.S. in civil engineering. Chairman, Construction and Civic Development Committee, U. S. Chamber of Commerce; chairman, University City Plan Commission; vice-president, St. Louis Regional Planning Commission; president, St. Louis County Plan Association; member, Business Advisory Council, Department of Commerce; member, Missouri State Planning Board; president,

Fruin-Colon Contracting Company; director, Mississippi Valley Trust Company; director, Missouri Portland Cement Company; author of articles on community planning, conservation and construction economics. Married; no children.

GLEN E. STONER, Springfield. Appointed September, 1939, for six-year term. Born August 28, 1882, near Albany, Indiana. Member Rotary, U.C.T., Masons, Hickory Hills Country Club. Served three years in regular army; in general contracting business at Springfield; president, Springfield Manufacturing and Supply Company. Married; one son.

OWEN G. TURNBULL, Troy. Appointed July 4, 1941, for six-year term. Born May 25, 1898, on a farm near Troy; attended Troy public schools. Engaged in automobile business since 1922. Breeder of bird dogs and fox hounds; field trials official and judge. Married; two daughters.

EDWARD K. LOVE, St. Louis. Appointed July, 1943, for six-year term. Born February 3, 1870, at Greensboro, Alabama; moved with family to St. Louis in 1874. Attended public schools, Smith Academy and Washington University. Member, Sons of the Revolution; during first world war, served as chairman, Executive Committee, National Security League, and as such had charge of all Foreign war commissions in St. Louis; was directly associated with the British war mission under Col. Sir Walter Lawrence; chairman of meeting when former president Theodore Roosevelt made his last great public speech in June, 1918, at Coliseum in St. Louis; officer in Home Guards of St. Louis during entire period of first world war; trustee, Second Presbyterian Church of St. Louis. Chairman, finance committee, Restoration and Conservation Federation of Missouri (1935-1936); donor in 1938 of \$100,000 Love Wildlife Conservation Foundation. In realty and insurance business, St. Louis. Married, three children. Died March 21, 1953.

R. A. BROWN, Jr., St. Joseph. Appointed August, 1945, for six-year term; chairman of Commission, 1947-1951. Served as private in U. S. Army during World War I. Attended Phillips Academy, Andover, 1918; graduated from Yale University with B.A. degree, 1922; Yale Law School with LL.B. degree, 1924; member, Beta Theta Pi and Phi Delta Phi fraternities. Member of law firm of Brown, Douglas and Brown since 1924; president, St. Joseph Bar Association, 1943; member, Buchanan County, State of Missouri and American bar associations; American Society of International Law; American Judicature Society; St. Joseph Country Club, and Benton Club. Married; two children.

FRANK P. BRIGGS, Macon. Appointed July, 1947, for six-year term; chairman of Commission, (1951-1952). Born February 25,

1894, at Armstrong, Mo.; attended Central College, Fayette, Mo. 1911-1914; graduated from University of Missouri with degree of Bachelor of Journalism, 1915. Publisher, Macon Chronicle-Herald. Elected Mayor of Macon, 1930; re-elected, 1932; elected state senator from Ninth Senatorial District in 1932, re-elected in 1936, 1940 and 1944, resigning from Missouri Senate to accept appointment to the United States Senate, January 18, 1945, to fill the vacancy caused by the resignation of Senator Harry S. Truman for the term ending Jan. 3, 1947. In the Missouri Senate was majority floor leader, 1939; president pro tem in 1941, 1942, 1943 and 1944. Married; five children.

DRU L. PIPPIN, Waynesville. Appointed July, 1947, for six-year term. Born April 13, 1899, at Waynesville, Mo. Veteran of World War I; received Bachelor of Science in Agriculture, University of Missouri, 1923; served as agricultural extension agent, Saline County, 1923-25; Federal Land Bank appraiser, 1932-41. Purchased farm near Waynesville in 1925, was named Master Farmer of Missouri in 1929. Operates farm, resort on Gasconade River, and insurance business at Waynesville. Married; two children.

CLIFFORD W. GAYLORD, St. Louis. Appointed July, 1949, for six-year term. Born Oct. 10, 1883, at Rockport, Ill. Studied engineering at University of Chicago. With 77th Division overseas in World War I, advanced from rank of captain to lieutenant colonel; appointed colonel, First Infantry Brigade, Reserve Military Force, October, 1941; brigadier general, June 1941; adjutant general of Missouri and commander, Missouri National Guard, 1941-1945; resigned from inactive status, 1946. President, Gaylord Container Corporation, manufacturer of paper-board products and owner of vast forestry holdings in Louisiana and other states; director, First National Bank, St. Louis, and Illinois Central Railroad. Served as board chairman, St. Louis Chamber of Commerce; president, Jefferson National Expansion Memorial Association; numerous other civic positions. Died Jan. 7, 1952, at Barnes Hospital, St. Louis. Survived by wife and two step-children.

JOE M. ROBERTS, Gallatin. Appointed July, 1951, for six-year term. Born August 23, 1896, at Hartshorne, Indian Territory (later to become the state of Oklahoma) where his father was a pioneer in the newspaper and telephone business. Attended high school at Stewartsville, Mo.; University High School, Columbia, Mo.; and University of Missouri. Publisher, DeKalb County Herald, Maysville, Mo.; president and general manager, Inter-County Telephone Company operating 14 exchanges in Daviess and DeKalb counties, and Bolivar Telephone Company, Bolivar, Mo. Past President, Northwest Missouri Press Association; mem-

ber, Board of Regents, Northwest Missouri State College, Maryville; member, State Eleemosynary Board, appointed by Gov. Phil M. Donnelly. Veteran of World War I; Mason; active in civic affairs. Married; two children.

ROSCOE B. CLARK, University City. Appointed January, 1952, to fill the unexpired term of the late Clifford W. Gaylord. Born March 15, 1887, in Frankfort, Ill. Grammar school education and studied civil engineering through International Correspondence School. Employed in engineering department, C. & E. I. and C. C. & St. L. railroad companies, 1903-08; engaged in construction business, 1908-23; operated R. B. Clark Finance Company, 1923-29; president and general manager, Rock Hill Asphalt and Construction Company, 1929-40; president, Clark Engineering Company and Mississippi Valley Commerce Company; Director, St. Louis County National Bank, Clayton Federal Savings and Loan Association, Midwestern Commerce Corporation, Green Lea Dairies, Inc. Owns and operates farm in St. Charles County. Married; two sons.

## MASTER CONSERVATIONISTS OF MISSOURI

### Awards of 1942 to 1950

**I**N 1942 the Missouri Conservation Commission established the Master Conservationist Award as a means of conferring deserved recognition upon those citizens of the state who have distinguished themselves through outstanding service, leadership and accomplishment in the broad field of conservation work. Those honored are selected annually by a secret committee, no member of which is connected in any way with the Commission. The names of the men and the one woman who received the gold pin and scroll of the Master Conservationist from 1942 through 1950 follow, with brief descriptions of their achievements:

**EDWARD K. LOVE**, St. Louis (1942). Selected because of his life-long example of good sportsmanship as a hunter and fisherman, his leadership and service during the 1935-36 campaign for the Missouri conservation amendment, his service as a member of the board of the National Wildlife Federation, and his great gift of \$100,000 in 1938 to establish the Edward K. Love Conservation Foundation. Served as president of the Conservation Federation of Missouri from April, 1942, until resignation in 1943 to accept appointment to Conservation Commission. See biographical sketch in foregoing section on the succession of Commissioners.

**MSGR. GEORGE J. HILDNER**, Villa Ridge (1942). Pastor of Gildehaus Parish in Franklin County, Father Hildner has preached and taught conservation of natural resources as a practical application of religion. Inspired and led outstanding community demonstrations of soil conservation and wildlife management. Helped organize the Franklin County Soil Conservation District and later state association of similar districts.

**EUGENE M. POIROT**, Golden City (1942). Operator of an 1800-acre prairie farm in Lawrence County, Poirot was one of the first to demonstrate and proclaim that successful farming need not impose a burden on the soil or crowd out wildlife. Helped introduce Korean lespedeza in Missouri, and also developed a chemical process for turning straw into synthetic manure. Has served on state and national chemurgic councils. A frequent writer and speaker on wildlife management subjects.

**HARRY A. PLATTNER**, Malta Bend (1942). A prominent farmer and stockman of Saline County, Plattner previously had been honored as a "Master Farmer" in recognition of his pioneer work in soil conservation and scientific seed improvement. Served as president, Conservation Federation of Missouri, 1940 to 1942. He was an ardent quail hunter, and one of his hobbies was a flock of semi-domesticated Canada geese which he kept at his

home in Malta Bend. Mr. Plattner died January 16, 1951, at the age of 55.

**DORRIS D. BROWN**, Warrenton (1943). As county agricultural extension agent, Brown helped Warren County farmers set records in soil conservation and farm forestry practices. His "balanced farming" plan, including wildlife management, served as an early model for a statewide program developed by the Agricultural Extension Service. Served several years as secretary of Warren County chapter, Conservation Federation of Missouri.

**MORTON TUTTLE**, Prairie Home (1943). Previously honored as a Master Farmer of Missouri. One of the first farmers in the state to lime and terrace his entire farm; widely known as certified seed producer and for progressive cropping and livestock methods. Demonstrated that good soils practices also serve to restore wildlife.

**ROLAND M. HOERR**, St. Louis (1943). Instigator of movement which led to organization of Conservation Federation of Missouri and adoption of conservation amendment in 1936; served as vice-president of Federation; president, Missouri Duck Hunters Association; Missouri chairman, Ducks Unlimited. Industrialist and vigorous sportsman-leader.

**EUGENE L. HILLS**, Cameron (1943). As rural mail carrier, Boy Scout leader and sportsman, began Missouri work in wildlife conservation in 1927. Helped organize the Cameron Hunting and Fishing Club and later the Northwest Missouri Wildlife Conference; member of board, Conservation Federation of Missouri.

**E. J. EVENS**, Amsterdam (1943). One of first Missouri bankers to encourage soil conservation practices through banking policy; demonstrated wildlife management on his own 400-acre farm. Leader of a 4-H club which sponsored a 14,000-acre cooperative wildlife management area in Bates County. Sportsman, and director of the Federation.

**JAMES T. MONTGOMERY**, Sedalia (1943, posthumously). A Sedalia lawyer and sportsman, Mr. Montgomery helped draft and win approval for the Conservation Amendment. Served as first president of the Conservation Federation of Missouri after the Federation was organized on a permanent basis in 1938. Died May 6, 1943.

**ROBERT F. REDMOND**, Carthage (1944). Organizer in 1921 of the Carthage Sportsman's Protective League, one of the pioneer conservation organizations in Missouri and the oldest one in point of continuous existence. Under Redmond's leadership, the Carthage league compiled an outstanding record of field accomplishments, sponsoring seven cooperative fish-rearing ponds, es-

tablishing game-management areas, and cooperating actively in field programs of the Conservation Commission. Merchant and sportsman.

ROBERT A. LANGENBACHER, St. Charles (1944). County extension agent for 22 years at time of award, Langenbacher has been called the "father of conservation in St. Charles County." His 4-H clubs compiled records in conservation work; in 1929 was instrumental in bringing a national award to St. Charles County for soil conservation achievement.

WAYNE SHORT, St. Louis (1944). A 4-H club protege of Mr. Langenbacher (above), Short carried a boyhood hobby of nature study into a career as radio announcer, became president of St. Louis Bird Club. His vigorous leadership built club from 110 members to more than 600. Left radio work in 1943 to become regional director of the Audubon Society of America.

W. H. (TED) BUTLER, Springfield (1945). A life-long hunter and fisherman, Butler was elected secretary of the Kansas City Fin and Feather Club in 1929. After moving to Springfield in 1933, became secretary of the local Sportsman's Non-Partisan League; served in 1936 as Greene County chairman in the campaign for the Conservation Amendment; executive-secretary, Conservation Federation of Missouri, 1938-1943.

ALLEN McREYNOLDS, Carthage (1945). Attorney and civic leader, McReynolds was elected to the Missouri State Senate in 1934 and 1938, distinguishing himself by his leadership for governmental reforms. Served as delegate-at-large to the 1943-44 constitutional convention, stoutly defending the non-partisan Conservation Commission and working effectively for inclusion of the conservation authority in the new constitution.

JOHN F. CASE, Savannah (1945). One of the original members of the Missouri Conservation Commission; as editor of the Missouri Ruralist and leader of various farm organizations, helped bring about many agricultural advances, particularly in the field of soil conservation. See biographical sketch in foregoing section on Commissioners.

H. J. (JACK) WATERS, Columbia (1946). Helped organize the Boone County Sportsman's Club in 1930, later serving as president, and as county chairman in the 1936 campaign for Proposition No. 4; president, Conservation Federation of Missouri, 1942-1945. Editor and publisher, the Columbia Daily Tribune.

CHESTER C. DAVIS, St. Louis (1946). As president of the Federal Reserve Bank of St. Louis, Mr. Davis used the powerful implement of bank credit to encourage soil conservation. Served as president, later chairman of the board, Friends of the Land, national soil conservation organization. Administrator,

Agricultural Adjustment Administration, U. S. Department of Agriculture, 1933-1936; received American Farm Bureau medal in 1939 for distinguished service to agriculture.

**EDWARD M. STAYTON**, Independence (1946). Major-general, retired, U. S. Army; commander, Missouri National Guard, and of 110th Engineers in France during first world war. Graduate of University of Missouri in civil engineering; helped build railroads through pine forests of Louisiana and tropical forests of Honduras, there developing a keen interest in forestry. As delegate to Missouri constitutional convention of 1943-44, played important part in retaining the non-partisan Conservation Commission in the new constitution. As first chairman of the State-wide Forestry Committee, organized public support for the forest cropland law adopted by the Missouri legislature in 1946.

**E. SYDNEY STEPHENS**, Columbia (1947). Selected for the honor after his retirement from the Commission in 1947, in recognition of his long leadership in the Missouri wildlife and forestry program. See biographical sketch in foregoing section on Commissioners.

**VIRGINIA M. DUNLAP**, Rivermines (1948). Wife of Myron N. Dunlap, a mining engineer, and mother of a son, John, Mrs. Dunlap worked ardently and articulately in behalf of conservation through a variety of organizations, including the Missouri Federated Women's Clubs, the Pilot Club International, League of Women Voters and Lead Belt Sportsmen's Club. Secretary-treasurer of Conservation Federation of Missouri from 1942 until 1951. Active in Agricultural Extension Service and 4-H club committees.

**LEONARD HALL**, Caledonia (1948). The "sage of Possum Trot" became famous as a columnist for the St. Louis Post-Dispatch, writing on hunting and fishing, conservation, farming and rural life. Operator of a 320-acre farm, called "Possum Trot," in the Bellevue Valley of Iron County, where he carries on a model program of soils, livestock and wildlife management. Author and lecturer.

**JAMES STONE**, Neosho (1948). A dairy farmer of Newton County, Stone became known as a practitioner of conservation methods and fighter for conservation principles. Served as president of Newton County Farm Bureau; director, Conservation Federation of Missouri; member, Missouri Clean-Streams committee; officer or member of many other organizations.

**HARRY HILL**, Joplin (1949). A metal-worker by trade, Hill was a charter member and organizer of the Newton County Conservation Federation; active in the Izaak Walton League, American Legion and Veterans of Foreign Wars; leader for many years

in local Boy Scout and Girl Scout activities. Coon hunter, fisherman and trapshooter, his ardent interest in conservation prompted many hours voluntary service as unofficial assistant to wildlife conservation agents.

CHARLES C. WILLIFORD, Springfield (1949). A forecaster with the U. S. Weather Bureau since 1921, stationed at Springfield since 1932. Highly articulate, colorful and humorous, became a radio personality as a result of daily weather broadcasts. Intersperses weather reports with fishing reports and lectures on conservation, and has campaigned effectively against the practice of timber-burning in the Ozarks.

BEN N. SMITH, Boonville (1950). Farmer and businessman, Smith was a soil conservation pioneer, served as chairman of Cooper County Soils and Crops Conference for 20 years. As president, Boonville Rod and Gun Club, 1947-48, started club's spectacular 5-year development program. Has been chairman of agricultural committee, Boonville Chamber of Commerce; president, Central Missouri Real Estate Board; vice-president, Conservation Federation of Missouri.

DEAN W. DAVIS, West Plains (1950). Member, original board of directors, Conservation Federation of Missouri; Howell County chairman for Proposition No. 4; president of Federation, 1947-1950; regional director, chairman of the Board and vice-president, National Wildlife Federation, 1948-1953. Operator of chain of theaters in Missouri and Illinois. Enthusiastic hunter and fisherman; eloquent speaker and writer for conservation. Died January 30, 1953.

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